NEW JERSEY SUPREME COURT

SOMERSET COUNTY

HELEN ZACKWIEJZ, by next friend, her mother, MARY ZACKWIEJZ,

Plaintiff,

-vs-

JOHNS-MANVILLE CORP., a Corporation of the State of New York,

Defendant

ACTION AT LAW

COMPLAINT

The plaintiff, residing at Manville, New Jersey, complains of the above named defendant, a foreign corporatic as follows:-

1. The plaintiff was in the employ of the defendant corporation at its plant in Manville, New Jersey, in the month of May, 1929, and for several years prior thereto.

2. The defendant corporation at the time herein set forth was engaged in the manufacture of asbestos products for commercial purposes.

3. The said defendant employed the plaintiff at the time and place above set forth in its manufacture of said asbestos products, and the said defendant not only knew, but should have known, that the said asbestos products contained certain dangerous, insidious and harmful agencies composed of asbestos fibers and other particles that were destructive to life and health in the human body when brought into close contact with the same.

4. The defendant not only knew, but should have known, the dangerous nature of said asbestos fibers and particles and failed to keep the same in control, but was negligent in allowing the said dangerous fibers and particle to escape and to come into close proximity of the plaintiff'

M-737

CRMC-Motley1000-Subj-003226

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person and exposed the plaintiff so that she came into contact with, and inhaled, the said dangerous fibers and particles to the extent that her bronchial tubes, lungs and body became infected with the same.

5. Plaintiff was not informed or warned by the defendant, and had no knowledge of the nature of the said dangerous asbestos fibers and particles with which she was brought into close proximity by the defendant's negligence.

6. The negligence of the defendant complained of is as follows:

(a) In failing to use reasonable care to provide the plaintiff with a reasonably safe place of work.

(b) In failing to use reasonable care to provide the plaintiff with proper masks other appliances or safe guards in said work.

(c) In failing to use reasonable care to provide a proper ventilating system at its plant.

(d) In failing to use reasonable care to give proper warning, information and knowledge about the dangerous character of its work with the said asbestos fibers and particles to the said plantiff at the time and place above mentioned.

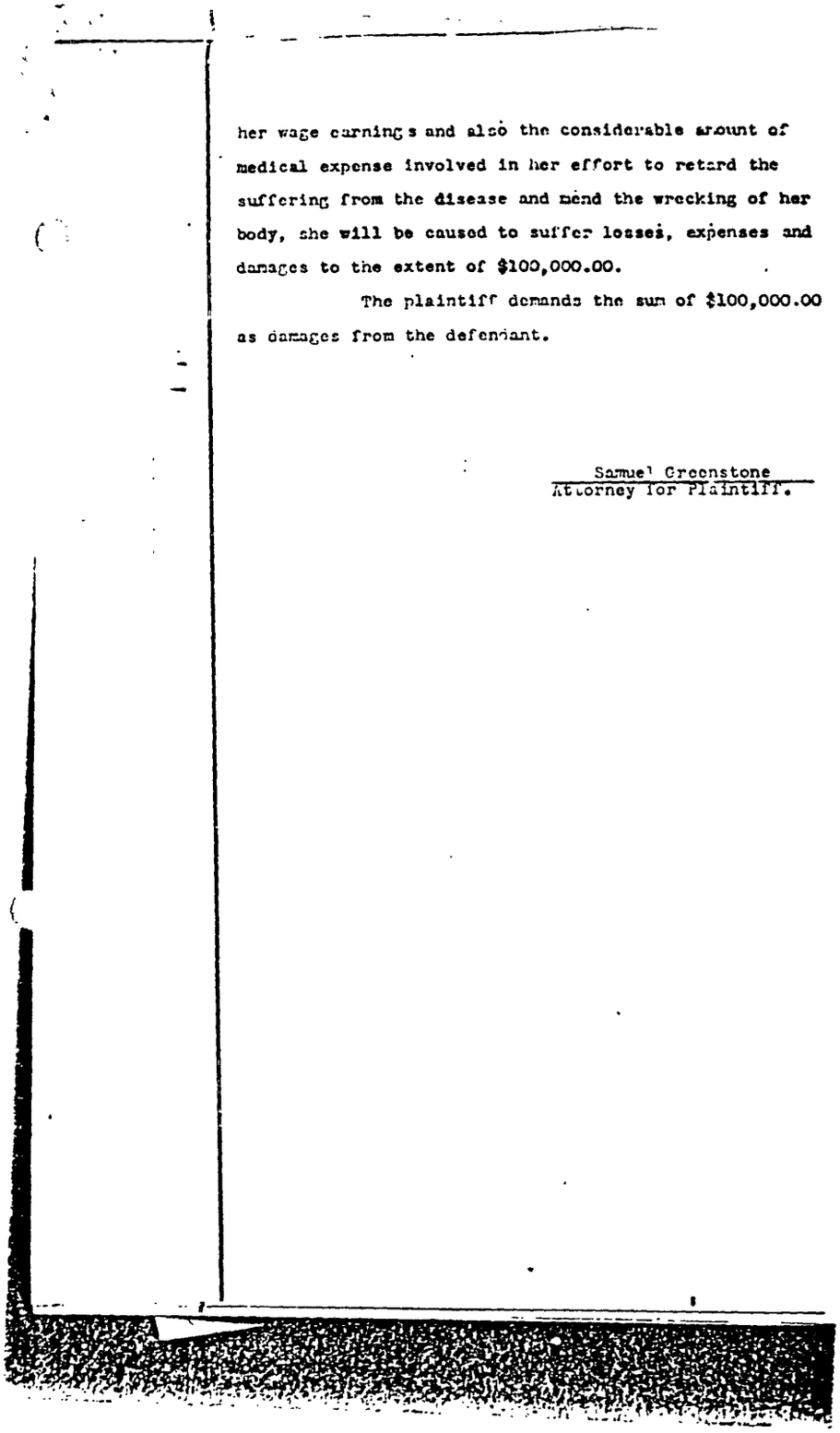
7. The said asbestos fibers and particles were introduced into the plaintiff's body at the time and place aforesaid, so that the plaintiff was permanently injured externally and internally, in and about her head, body and limbs causing the plaintiff great pain and suffering, both mental and physical, greatly lowered her resistance to disease and she became a victim of tuberculosis and so seriously cut off the span and duration of life of this youthful plaintiff, and that by reason of the loss of the major part of her life time, of her physical and mental well being, of

CRMC-Motley1000-Subj-003227

her wage earnings and also the considerable amount of medical expense involved in her effort to retard the suffering from the disease and mend the wrecking of her body, she will be caused to suffer losses, expenses and damages to the extent of $100,000.00.

The plaintiff demands the sum of $100,000.00 as damages from the defendant.

Samuel Greenstone
Attorney for Plaintiff.



CRMC-Motley1000-Subj-003228

July 20, 1929, I served the within summons and complaint upon Johns-Manville Corp., a corporation of the State of New-York by serving Archibald Hughes its Superintendant, personally, at Manville, N. J.

Ira M. Brokow . Sheriff

Fees. $3.78

Marvin Sheets Under Sheriff.

NEW JERSEY SUPREME COURT
SOMERSET COUNTY

HELEN ZACKWIEJA, by her next friend, her mother, Mary Zackwieja,

Plaintiff

-vs-

Johns-Manville Corp., a Corporation of the State of New York.

Defendant

SUMMONS AND COMPLAINT

Samuel Greenstone
Attorney for Plaintiff
972 Broad Street,
Newark, N.J.

Filed July 23, 1929
Fred L. Bloodgood, Clerk.

NEW JERSEY SUPREME COURT
SOMERSET COUNTY.

HELEN ZACKWIEJZ, by next friend, her mother, MARY ZACKWIEJZ,

Plaintiff,

vs.

JOHNS-MANVILLE CORPORATION, a corporation of the State of New York,

Defendant,

Action at Law

NOTICE OF REMOVAL

TO - SAMUEL GREENBERG, ESQ.

Attorney for Plaintiff.

PLEASE TAKE NOTICE that on Saturday, July 27th, 1929, at 10:00 o'clock in the forenoon (Daylight Savings Time), at the Court House in Newark, New Jersey, we shall present to His Honor, William S. Gummere, Chief Justice of the Supreme Court, a petition of JOHNS-MANVILLE CORPORATION, the defendant named in the above suit, for the removal of said suit to the District Court of the United States, for the District of New Jersey; and shall also then and there present the bond mentioned in the said petition and shall apply for the removal of the said suit to the District Court of the United States, for the District of New Jersey; and immediately thereafter we shall file said petition and bond; all according to the Act of Congress in such case made and provided.

Respectfully,

Dated: July 25th, 1929,

HOBART & HILLARD,

Attorneys for Defendant,
appearing specially,

CRMC-Motley1000-Subj-003230

Filed July 29, 1929
Fred L. Woodgood, Clerk.

CRMC-Motley1000-Subj-003231

IN THE SUPERIOR COURT
SOMERSET COUNTY

HELEN ZACKWIEJZ, by next friend, her mother, MARY ZACKWIEJZ,

Plaintiff,

-vs-

JOHNS-MANVILLE CORPORATION, a Corporation of the State of New York,

Defendant.

Action at Law

PETITION FOR REMOVAL.

TO THE HONORABLE, THE JUDGES OF THE SUPERIOR COURT OF THE STATE OF NEW JERSEY:

The petition of JOHNS-MANVILLE CORPORATION, a corporation of the State of New York, the above named defendant, appearing herein specially and for the sole purpose of presenting its petition to this Honorable Court for the removal of this suit to the District Court of the United States, for the District of New Jersey, respectfully shows that:

1. The plaintiff is the only plaintiff in the above suit and at the time of the commencement thereof was and still is a resident and citizen of the State of New Jersey.

2. Your petitioner is the defendant in said suit and was at the time of the commencement thereof and still is a corporation existing under and by virtue of the laws of the State of New York, and is a resident and citizen of said State of New York, and the controversy in said suit is wholly between citizens of different states.

3. Said suit is of a civil nature, at law, and the matter in controversy in said suit exceeds, exclusive of interest and costs, the sum or value of $3,000., to wit, the sum or value of $100,000.00 the amount demanded by the plaintiff in said suit as damages from your petitioner, the defendant therein.

CRMC-Motley1000-Subj-003232

4. No special bail was originally or is requisite in said suit.

5. Said suit was commenced by service of summons and complaint upon your petitioner on July 20th, 1929, by leaving a copy thereof with the Registered Agent of the petitioner in the State of New Jersey at Manville, N.J.; the time within which the petitioner is required to answer said complaint has not expired but will expire on August 9, 1929, unless further time to answer is allowed. The petitioner has not filed its answer to said complaint or in any way appeared in said action.

6. Your petitioner has made and files herewith a bond with good and sufficient surety for its entering in the District Court of the United States, for the District of New Jersey, within thirty days from the filing of this petition, a certified copy of the record in said suit, and for paying all costs that may be awarded by said District Court, if said District Court shall hold that said suit was wrongfully or improperly removed thereto, said bond being in the penal sum of $500., conditioned as required by the Act of Congress in such case made and provided.

Your petitioner prays this Honorable Court to proceed no further in said suit except to accept this

CRMC-Motley1000-Subj-003233

petition and bond, make the order of removal required by law and cause the record in said suit to be removed into said District Court of the United States, for the District of New Jersey, pursuant to the Act of Congress in such case made and provided.

And your petitioner will ever pray, etc.

JOHNS-MANVILLE CORPORATION
By

(CS)

E. Mc Voorhees
Treasurer

Hobart V Minard
Attorneys of Petitioner,
appearing specially, etc.

Attest:

Clarence L. Dager.
Assistant Secretary

CRMC-Motley1000-Subj-003234

STATE OF NEW YORK :
: ss.
COUNTY OF NEW YORK :

C. M. Voorhees of full age, being duly sworn, according to law, on his oath, says that he is Treasurer of JOHNS-MANVILLE CORPORATION, a corporation of the State of New York, the defendant in within mentioned suit and the petitioner named in the foregoing petition; that he has read said petition and knows the contents thereof and that the matters stated therein are true; that the matter in controversy in said suit exceeds, exclusive of interest and costs, the sum or value of $3,000: said suit is of a civil nature, at law, and is between citizens of different states, as appears from the complaint of the plaintiff therein, and he is informed and believes that the District Court of the United States has original jurisdiction thereof; and that the controversy in said suit can be fully determined as between the plaintiff and the defendant.

C. M. Voorhees

Subscribed and sworn to at New York, N.Y. this 15th day of July, 1929, before me John J. Motley duly commissioned and sworn. As witness my hand and official seal.

John J. Motley

Notary Public
Queens County Clerk's No. 2995
Queens County Register's No. 8193
New York County Clerk's No. 879
New York County Register's No. 1M 661
(LS) Queens Term March 30, 1931

James G. [illegible]

CRMC-Motley1000-Subj-003235

Filed July 29, 1929,
Fred L. Bloodgood, Clerk

NEW JERSEY SUPREME COURT
SOMERSET COUNTY

HELEN ZACKWIEJZ, by next friend, :
her mother, MARY ZACKWIEJZ,
:
Plaintiff,

CRMC-Motley1000-Subj-003236

HELEN ZACKWIEJZ, by next friend, her mother, MARY ZACKWIEJZ,

Plaintiff,

vs.

JOHNS-MANVILLE CORPORATION, a Corporation of the State of New York,

Defendant.

Action at Law

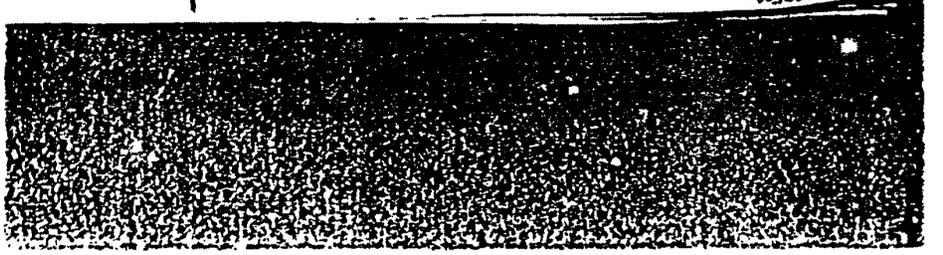
BOND ON REMOVAL.

KNOW ALL MEN BY THESE PRESENTS: That we, JOHNS-MANVILLE CORPORATION, a corporation of the State of New York, as principal, and NEW YORK INDEMNITY COMPANY, a corporation of the State of New York, as surety, are held and firmly bound unto HELEN ZACKWIEJZ, (suing by next friend, her mother, MARY ZACKWIEJZ,) of Manville, Somerset County, State of New Jersey, in the penal sum of Five Hundred Dollars, lawful money of the United States, to be paid to the said HELEN ZACKWIEJZ, her heirs, executors, administrators and assigns, to which payment well and truly to be made, we bind ourselves, our successors and assigns, jointly and severally, firmly by these presents.

Sealed with our seals and dated the twenty-third day of July 1929.

WHEREAS, the above named HELEN ZACKWIEJZ, by next friend, her mother, MARY ZACKWIEJZ, has heretofore brought a suit of a civil nature, at law, in the New Jersey Supreme Court, against said JOHNS-MANVILLE CORPORATION, a corporation of the state of New York; and

WHEREAS, said JOHNS-MANVILLE CORPORATION, simultaneously with the filing of this bond, intends to file its petition in said suit in said New Jersey Supreme Court, to remove said suit into the District Court of the United States, in the District where said suit is pending, to wit:



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the District Court of the United States in and for the District of New Jersey, according to the provisions of the Act of Congress in such case made and provided, now, therefore,

THE CONDITION OF THIS OBLIGATION IS SUCH, that if the petitioner, JOHNS-MANVILLE CORPORATION, shall enter in the District Court of the United States, for the District of New Jersey, within thirty days from the date of filing said petition in said New Jersey Supreme Court, a certified copy of the record in said suit, and shall well and truly pay all costs that may be awarded by the said District Court, if said District Court shall hold that said suit was wrongfully or improperly removed thereto, and shall also appear and enter special bail in said suit, if special bail was originally requisite therein, then this obligation shall be void; otherwise to remain in full force and effect.

JOHNS-MANVILLE CORPORATION,
by
G. M. Vondees (L.S.)
Treasurer

(CS)

Attest:
Clarence C. Hagen
Assistant Secretary

NEW YORK INDEMNITY COMPANY
by
John C. Gallagher (L.S.)
Attorney in fact

Attest:
Witness
Mildred A. Bender
As to surety.

(CS)

KNOW ALL MEN BY THESE PRESENTS, that the NEW YORK INDEMNITY COMPANY, a corporation duly organized and existing under the laws of the State of New York, and having its principal offices in the City of New York, hath made, constituted and appointed, and does by these presents make, constitute and appoint John C. Gallagher individually of Newark and State of New Jersey its true and lawful Attorney, with full power and authority hereby conferred in its name, place and stead, to sign, execute and acknowledge with the exception of Bail bonds any and all bonds and/or undertakings in any amount not exceeding One Hundred Thousand Dollars ($100,000). and to bind the NEW YORK INDEMNITY COMPANY thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the Company, and duly attested by its Secretary, hereby ratifying and confirming all the acts of said Attorney pursuant to the power herein given. This Power of Attorney is made and executed pursuant to and by authority of the following By-Law adopted by the Board of Directors of the NEW YORK INDEMNITY COMPANY at a meeting duly called and held on the twenty-fifth day of July, 1923:

"ARTICLE XII. Resident Officers and Attorneys-in-Fact

"Section 1. The Chairman, Vice-Chairman, President, First Vice-President, or any other Vice-President may from time to time appoint Resident Vice-Presidents, Resident Assistant Secretaries and Attorneys-in-Fact to represent and act for, and on behalf of the Company, and either the Chairman, Vice-Chairman, President, First Vice-President, any other Vice-President, the Board of Directors or the Executive Committee, may at any time remove any such Resident Vice-President, Resident Assistant Secretary or Attorney-in-Fact, and revoke the power and authority given him.

"Section 2. Attorneys-in-Fact.— Attorneys-in-Fact may be given full power and authority to execute for and in the name of and on behalf of, the Company, and any and all bonds, recognizance contracts of indemnity and other writings obligatory in the nature of a bond, recognizance or conditional undertaking, and any such instrument executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed by the President and sealed and attested by the Secretary.

"Section 3. Attorneys-in-Fact.— Attorneys-in-Fact are hereby authorized to verify any affidavit required to be attached to bonds, recognizances, or contracts of indemnity, policies of insurance and all other writings obligatory in the nature thereof, and also authorized and empowered to certify to a copy of any By-Laws contained in Articles VI, VII and XIII of the By-Laws of the Company."

IN WITNESS WHEREOF, the NEW YORK INDEMNITY COMPANY has caused these presents to be signed by its Vice-President and its corporate seal to be hereto affixed, duly attested by its Assistant Secretary, this 12th day of July A.D.1929.

NEW YORK INDEMNITY COMPANY

(Seal)

Attest: T.J.Flynn,
Assistant Secretary.

By. W.C Billings,
Vice-President.

James E. Novack

CRMC-Motley1000-Subj-003239

State of New Jersey.

County of ESSEX } ss.:

City of NEWARK

On this Twenty-third day of July, 1929, before me, the subscriber, a NOTARY PUBLIC duly commissioned and sworn, personally came JOHN C. GALLAGHER who, being by me duly sworn, on his oath, saith: That he is the ATTORNEY-IN-FACT of the NEW YORK INDEMNITY COMPANY of the State of New York, and that he resides in the City of NEWARK; [redacted] and that he knows, [redacted] the corporate seal of the said Company; that the seal affixed to the foregoing instrument is such corporate seal; and it was affixed by the said JOHN C. GALLAGHER and the said Instrument signed by the said JOHN C. GALLAGHER as ATTORNEY-IN-FACT of said Company, [redacted] by order of the Board of Directors of said Company in deponent's presence as the voluntary act and deed of said Company; that said Company has fully complied with all the requirements of Chapter 134 of the Laws of the State of New Jersey of the year 1902; that the good available assets of the Company exceed its liabilities, as such liabilities are ascertained in the manner provided in said Chapter; that the NEW YORK INDEMNITY COMPANY is duly incorporated under the laws of the State of New York, and is authorized by the laws of that State and under its charter to become surety on bonds and obligations such as are mentioned in said Chapter; and has on deposit with the Superintendent of Insurance of the State of New York, good securities worth at par and at market value at least Two Hundred Thousand Dollars ($200,000) held for the security of its obligations and has a fully paid up, safely invested, and unimpaired capital of One Million Dollars, and said Company has appointed the Commissioner of Banking and Insurance of New Jersey and his successor in office as its true and lawful Attorney in the State of New Jersey, upon whom process of law can be served, and has filed in the office of the Commissioner of Banking and Insurance, a written instrument duly signed and sealed, certifying such appointment, together with the residence and office of such Attorney, within the State of New Jersey; and that the following is a true copy of a By-Law duly adopted by the Board of Directors of the said NEW YORK INDEMNITY COMPANY on the 25th day of July, 1923, at a regular meeting, to wit:

ARTICLE XIII.

SECTION 1. *Signatures required.*—All bonds, recognizances, or contracts of indemnity, policies of insurance, and all other writings obligatory in the nature thereof, shall be signed by the President, a Vice-President, a Resident Vice-President, or Attorney-in-Fact, and shall have the seal of the Company affixed thereto, duly attested by the Secretary, an Assistant Secretary, or Resident Assistant Secretary. All Vice-Presidents and Resident Vice-Presidents shall each have authority to sign such instruments, whether the President be absent or incapacitated, or not, and the Assistant Secretaries and Resident Assistant Secretaries shall each have authority to seal and attest such instruments, whether the Secretary be absent or incapacitated, or not; and the Attorneys-in-Fact shall each have authority, in the discretion of such Attorneys-in-Fact, to affix to such instruments an impression of the Company's seal, whether the Secretary be absent or incapacitated, or not, or to attach the individual seal of the Attorneys-in-Fact thereto, or to use the scroll of the Attorneys-in-Fact, or a wafer, wax, or other similar adhesive substance affixed thereto, or a seal of paper or other similar substance affixed thereto by mucilage, or other adhesive substance, or use the word "SEAL" or the letters "L. S." opposite the signature of such Attorneys-in-Fact, as the case may be.

Sworn and subscribed in the City of Newark *in the County of* Essex *and State of* New Jersey *this* 23rd *day of* July *A. D.* 1929 *before me, a* NOTARY PUBLIC *duly commissioned and sworn.*

John C. Gallagher

James E. Nowack,

CRMC-Motley1000-Subj-003240

to statement furnished the department of such

New York Indemnity Company

New York

FINANCIAL STATEMENT, DECEMBER 31st, 1928

SPENCER, WELTON, President. HUBERT J. HEWITT, Secretary

ASSETS

Stocks and Bonds at Market	$5,562,908.00
Collateral Loans	700,000.00
Cash	359,243.55
Unpaid Premiums (Less than 90 Days old)	1,505,145.19
Accounts Receivable and Accrued Interest	440,368.91
Total	$8,567,665.65

LIABILITIES

Reserve for Unearned Premiums	$3,045,808.20
Reserve for Contingent Claims Less Reinsurance	3,141,888.49
Reserve for Taxes and Commissions	459,174.43
Accounts Payable	240,995.36
Reinsurance in Companies Not Entered in New York	65,732.96
Capital	1,000,000.00
Surplus	614,066.21
Total	$8,567,665.65

STATE OF NEW YORK, }
COUNTY OF NEW YORK, } ss.

I, T. J. Flynn, Assistant Secretary of the New York Indemnity Company, do hereby certify that the above is a true statement of the assets and liabilities of said Company as of December 31st, 1928, to the best of my knowledge and belief.

Company's Seal

Thomas J. Flynn

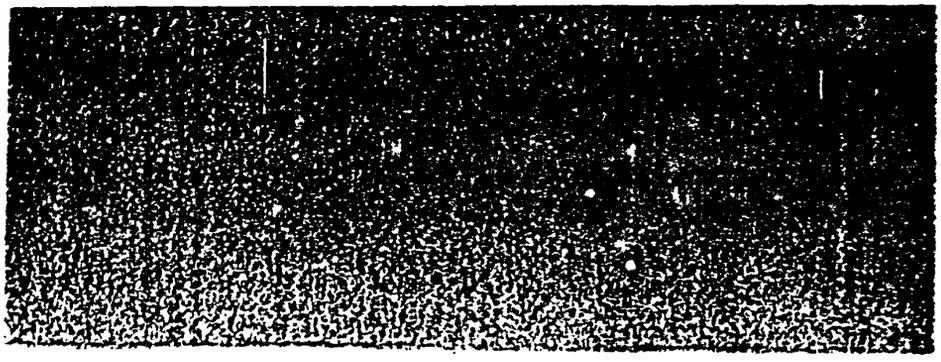
STATE OF NEW YORK, }
COUNTY OF NEW YORK } ss.

Subscribed and sworn to before me, a Notary Public of the State of New York, in the City of New York, this 4th day of February A. D. 1929.

Notary's Seal

George C Kaiser

NOTARY PUBLIC
Bronx Co. No. 9, Register's No. 3004-A
Certificate filed in New York Co. No. 696,
Register's No. 6338
Commission Expires March 30, 1930



CRMC-Motley1000-Subj-003241

STATE OF NEW YORK :
: ss.
COUNTY OF NEW YORK :

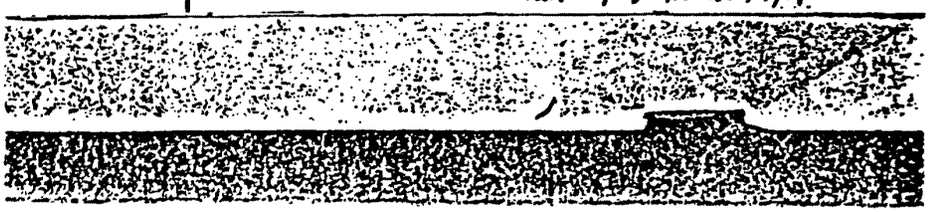
BE IT REMEMBERED, That on this twenty-third day of July, in the year of our Lord, One thousand nine hundred and twenty-nine, before me, the subscriber, John J. Motley personally appeared, Clarence L. Nagler who being by me duly sworn, doth depose and make proof to my satisfaction that he is Assistant Secretary and that he well knows the common seal of JOHNS-MANVILLE CORPORATION, the obligor named in the foregoing bond, that the seal thereto affixed is the proper common seal of the said corporation, and that the same was so affixed thereto, and the said bond signed and delivered by E. M. Voorhees who was at the date and execution thereof Treasurer of said corporation, as the voluntary act and deed of the said corporation, in the presence of said deponent, and that the said deponent subscribed the same as witness to the execution thereof.

Clarence L. Nagler

Subscribed and sworn to at New York, N.Y. this 23rd day of July 1929, before me John J Motley. duly commissioned and sworn as witness my hand and official seal.

John J. Motley

(LS) Notary Public
Queens County Clerk's No 2995
Queens County Register's No. 9193
New York County Clerk's No. 879
New York County Register's No. 1M 66
Commission Expires March 30, 1931



CRMC-Motley1000-Subj-003242

NEW JERSEY SUPREME COURT
SOMERSET COUNTY

HELEN ZACKWIEJZ, by next friend, her mother, MARY ZACKWIEJZ,

Plaintiff,

vs.

JOHNS-MANVILLE CORPORATION, a Corporation of the State of New York,

Defendant.

Action at Law
BOND ON REMOVAL.

Hobart & Minard,
Attys. of Defendant,
appearing specially,
24 Branford Pl.,
Newark, N.J.

Filed July 29, 1929,
Fred L. Bloodgood, Clerk.

CRMC-Motley1000-Subj-003243

Helen Zackwiejz v. Johns-Manville, Pleadings and Motion to Quash (1929)
ACL Doc 23903 · Page 18 of 84
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NEW J. [illegible] SUPREME COURT
[illegible] COUNTY.

HELEN ZACKWIEJZ, by next friend, her mother, MARY ZACKWIEJZ,

Plaintiff,

vs.

JOHNS-MANVILLE CORPORATION, a Corporation of the State of New York,

Defendant.

Action at Law.

ORDER FOR REMOVAL.

On due notice to the attorney for plaintiff in the above entitled cause, it is on this 27th day of July 1929, on motion of Hobart & Minard, attorneys for the defendant therein;

ORDERED that the petition of said defendant for the removal of said cause to the District Court of the United States, for the District of New Jersey, be and the same is hereby accepted and that the bond presented with said petition be and it hereby is accepted and approved and that said petition and bond be filed.

Let the foregoing order be entered.

W. J. Gummere
A. J. S. C.

Entered July 29, 1929,
on Motion of
Hobart & Minard
Attorneys of defendant,
appearing specially.

CRMC-Motley1000-Subj-003244

LAW 1929

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

HELEN ZACKWIEJZ, by next friend,
her mother, MARY ZACKWIEJZ,

Plaintiff,

-vs-

JOHNS-MANVILLE CORPORATION, a
Corporation of the State of
New York,

Defendant.

ACTION AT LAW

REPLY

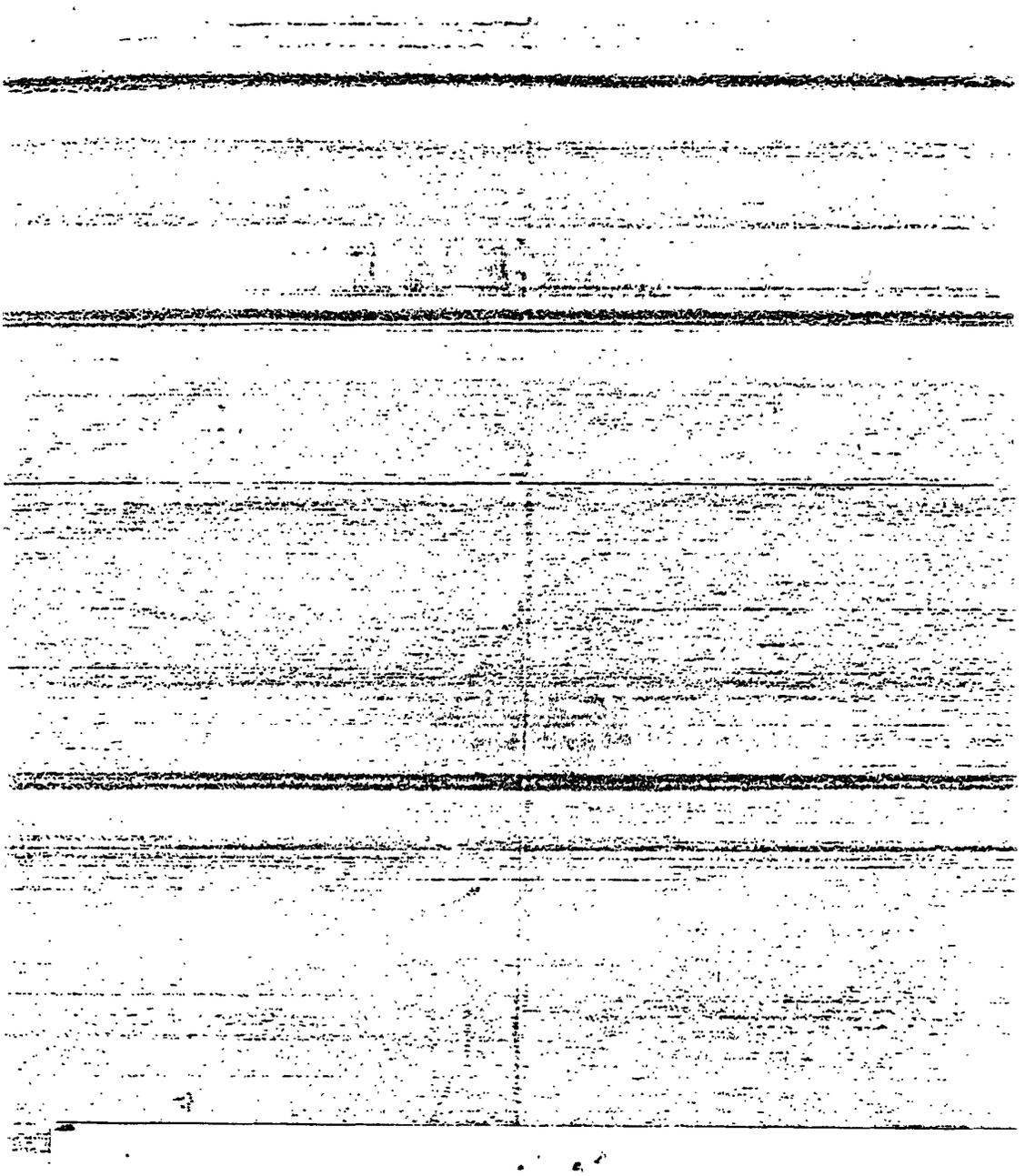
Samuel Greenstone
Attorney for Plaintiff
972 Broad Street
Newark, N. J.

FILED

SEP 21 1929

AT 9 O'CLOCK A. M.
GEORGE T. CRANMER, Clerk.

CRMC-Motley1000-Subj-003248



GENERAL SERVICES ADMINISTRATION
National Archives and Records Service

To all to whom these presents shall come, Greeting:

By virtue of the authority vested in me by the Administrator of General Services, I certify on his behalf, under the seal of the National Archives of the United States, that the attached reproduction(s) is a true and correct copy of documents in his custody.

(seal)

SIGNATURE

NAME Anthony J Tedeschi DATE 11/3/86

TITLE Archivist, Archives Branch

NAME AND ADDRESS OF DEPOSITORY
Federal Archives and Records Center
Building 22 - MOT - Bayonne
Bayonne, N.J. 07002
2NCN

CRMC-Motley1000-Subj-003249

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

HELEN ZACKWIEJZ, by next friend, her mother, MARY ZACKWIEZA,

Plaintiff,

-vs-

JOHNS-MANVILLE CORP., a Corporation of the State of New York,

Defendant.

Action at Law

AFFIDAVIT OF EMIL RAIER

STATE OF NEW JERSEY :
: ss.
COUNTY OF ESSEX :

EMIL RAIER, being duly sworn according to law deposes and says:

I reside at #2805 Fourth Avenue, Astoria, Long Island, New York.

On November 21, 1929 I interviewed Helen Haynes (nee Zackwieja) at the office of Mr. Archibald Hughes, General Manager of the Manville, New Jersey, plant of the Johns-Manville Corporation. There were present at the interview in addition to Mrs. Haynes and myself, Mr. Hughes and Miss Charlotte Wolf and Mrs. Mary Zackwieja, the mother of Mrs. Haynes.

I explained to Mrs. Haynes that I wanted to take from her a signed statement of the facts which led up to the suit instituted in the name of Helen Zackwiejz by her next friend, her mother, Mary Zackwieja, against the Johns-Manville Corporation, which suit was started by summons dated July 18, 1929. She told me that she was perfectly willing to give me all of the information I desired and that she would sign a statement. Mrs. Haynes spoke English as well as Polish and the interview with her was conducted in the English language. I directed Miss Wolf to prepare a statement from my dictation of the

CRMC-Motley1000-Subj-003250

facts which I elicited from Mrs. Haynes by question and answer. The information so elicited was put in narrative form by me. When the interview was concluded Miss Wolf retired to another room and a short time thereafter returned with three pages of typewritten matter which I handed to Mrs. Haynes, requesting that she read it over to determine whether or not it accurately reported the interview. When she had read it she advised me that the statement was true and accurate in all respects and I thereupon requested that she sign her married and maiden names at the bottom of the first two sheets of paper and that she write immediately below the typewritten matter on the third sheet the following:

"I read this three page statement and
the same is true and correct

Helen Haynes or
Helen Zackwieja
Manville, N. J.
November 21, 1929"

Mrs. Haynes signed her name and wrote the sentence as requested and I thereupon signed my name as a witness upon the third page of the statement.

I have examined the three pages of typewritten matter purporting to be the statement of Mrs. Haynes and they are in the same condition as when finally executed by Mrs. Haynes and myself on November 21, 1929.

Subscribed and sworn to :
before me this eleventh :
day of February, 1930 :

Geo. A. Hobart
A Notary Public of N.J.

Emil Kamer.

CRMC-Motley1000-Subj-003251

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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

HELEN ZACKWIEJZ, by next friend, her mother, MARY ZACKWIEZA,

Plaintiff,

-vs-

JOHNS-MANVILLE CORP., a Corporation of the State of New York,

Defendant.

Action at Law

AFFIDAVIT OF CHARLOTTE WOLF

STATE OF NEW JERSEY :
:ss.
COUNTY OF ESSEX :

CHARLOTTE WOLF, being duly sworn according to law deposes and says:

I reside at #105 East Main Street, Bound Brook, N. J. and I am employed at the Manville, N. J., plant of the Johns-Manville Corporation as a stenographer.

I was present at an interview between Mr. Emil Ramer and Mrs. Helen Haynes (nee Zackwieja) which interview was conducted at the office of Mr. Archibald Hughes, General Manager of the Manville, N. J. plant of the Johns-Manville Corporation on November 21, 1929. There were present in addition to Mr. Ramer, Mrs. Haynes and myself, Mr. Archibald Hughes and Mrs. Mary Zackwieja, the mother of Mrs. Haynes. Mr. Ramer conversed with Mrs. Haynes in English and explained to her that he desired information from her as to the events which led up to the suit instituted by Helen Zackwiejz by her next friend, her mother, Mary Zackweiza, against the Johns-Manville Corporation by summons dated July 18, 1929. Mrs. Haynes said she was perfectly willing to give the information and to sign a written statement. Mr. Ramer then asked Mrs. Haynes questions and when she would answer them he would reduce the facts to narrative form, dictating to me.

CRMC-Motley1000-Subj-003252

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When the interview was concluded I retired to another room and transcribed my shorthand notes into three pages of typewritten matter which I delivered to Mr. Ramer in Mr. Hughes' office. In my presence he handed them to Mrs. Haynes and after she had read them she stated that they were true and correct in all respects. Mr. Ramer then requested that Mrs. Haynes sign her marriage and maiden name at the bottom of the first two sheets of the statement and that she write immediately beneath the typewritten matter on the third sheet the following:

"I read this three page statement and the same is true and correct.

Helen Haynes or
Helen Zackwieja
Manville, N. J.
November 21, 1929"

Mrs. Haynes signed her name and wrote the sentence as requested and Mr. Ramer then signed his name on the third page of the statement as a witness.

I have today examined the three page typewritten matter purporting to be the statement of Mrs. Haynes and I find that they are now in the same condition as when executed by Mrs. Hayes and Mr. Ramer on November 21, 1929.

Subscribed and sworn to :
before me this eleventh :
day of February, 1930 :

Geo. A. Hughes
A Notary Public of N.J.

Charlotte Wolf

CRMC-Motley1000-Subj-003253

My name is Helen Haynes and my maiden name is Helen Zachwieja. I was in the city of Philadelphia, Pa. on December 10, 1911 at 2222 Race Street, I came to live to Manville, New Jersey with my parents either in 1924 or 19. I got married to John Haynes on June 9, 1928 in Manville, New Jersey. He i: Polish and a native of Ohio. We took out license in Belle Meade a few week: before and got married. My husband left me in January 28th or 29th in 1929, and I never heard of him since. I never received any letters from him since I never have seen him since. My mother's name is Mary and she keeps house a the present time for myself, two sisters and brother. My father is dive. H name is Frank and he works for Johns-Manville and is separated from my mothe: since December 9, 1927. I am working for Johns-Manville since 1927 and I am working today.

Sometimes in June of this year on a Thursday, a lawyer came to my house and he was introduced to my mother while I was in another room as Mr. Greenst The man who introduced him is Chester, who runs an ice-cream parlor in Manvil The reason I remember it was Thursday was because the next day was Factory Pa I do not remember the date. It slipped off my mind. On that day, as near as can remember, I did not put in a full day's work. At that time I never knew that a lawyer by the name of Greenstone was in existence. I never sent for Greenstone. I never told Chester to send me a lawyer and I never spoke to Ch: about any of my business. I did not invite Chester or any lawyer from this st or any other state, or from this city or any other city, to come to see me on business. On the day mentioned, the lawyer handed my mother a card in my pre: and he spoke to my mother through the interpreter, Chester. The lawyer said t my mother in my presence that he heard that my brother was sick and he wanted know how he could locate him and he was talking something else and my mother could not understand Chester's Polish, so my mother called me out to talk to lawyer. When the lawyer saw me, he asked me what was the matter with me, why

Helen Haynes nee Helen Zackwieja

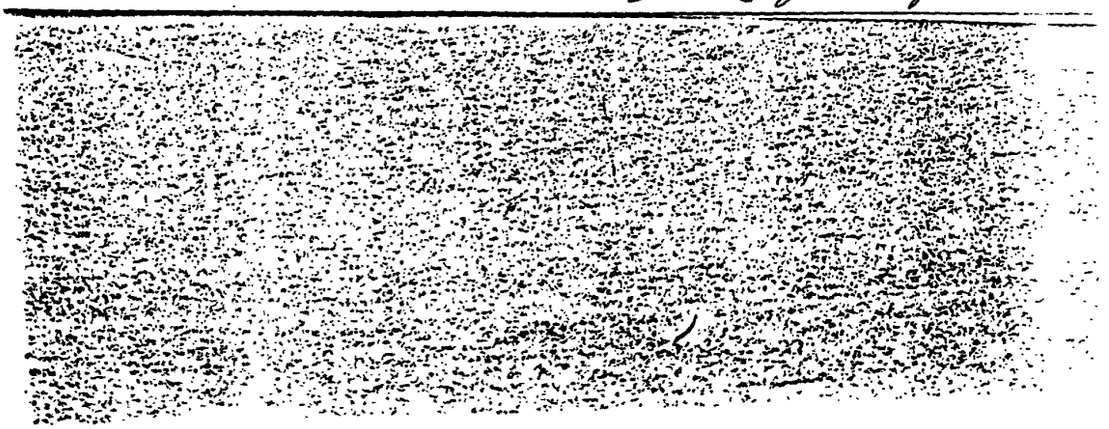
CRMC-Motley1000-Subj-003254

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stay at home. I told him I did not feel good. The lawyer then told me to go to see Doctor Borow and that it will not cost me or my mother any money. Then I walked away and left the lawyer with my mother. On Monday following that Thursday, I went to see Doctor Borow. He examined my chest and told me that I was very busy and to come back Wednesday. I came back Wednesday of the same week and Doctor Borow examined me. He told me that I need a lot of rest and to stay home and prescribed me medicine, which I bought in Schubert's Drugstor at Manville, New Jersey. I used a couple of teaspoons of that medicine from bottle Number 19483, which I am handing to you today. I stayed a day at home then went back to work and I am still working. When I came to see Doctor Boro I handed him a card from lawyer Greenstone, which was given to my mother by lawyer Greenstone. About two or three weeks later, I met the lawyer, who was in my house, on the street in Manville. He stopped me and asked me how I feel I told him that I was to see Doctor Borow and that I am back to work and I told him that Doctor Borow did not do much to me. The lawyer Greenstone then took out his card and wrote down something on it and gave it to me and told me to go to see Doctor Ward of Elizabeth, New Jersey for an Xray. I never went. I have written since a letter to Mr. Greenstone to find out what it's all about, on what grounds he is suing the company and I also have written to him in the same letter for him to come down to see me as I would like to talk to him and find out what is it all about. I told him my mother isn't working, she is out of work and I have no time to come down to see him there; my brother is still in the hospital and I have no one to take care of my mother, so I got to work. So I told him to kindly call and let me know what it's all about. I signed the letter and my sister, Rose, mailed it.

I then received a letter dated November 18, 1929 from lawyer Greenstone in answer to my letter, which I am handing to you today. I received also a letter dated November 13, 1929 written to me, Helen Zachwieja, Box 167, Manville, New Jersey, in which the lawyer Greenstone advised me that he is suing a case in the United States District Court.

Helen Haynes or
Helen Zackwieja



This is the first time I knew that I have a law suit against anybody. I did not tell my mother to sue anybody. I did not tell my mother to sue the company for which I am working, that is, the Johns-Manville Company and if my mother signed some papers suing the Johns-Manville Company or anybody else I don't approve of it and I never gave my mother permission to sue for me the Johns-Manville Company. I never signed any papers for Greenstone or for my mother to sue the Johns-Manville Company.

I would like to have my case dropped against the Johns-Manville because I don't feel it is justified for my mother to sue the Johns-Manville Company for me.

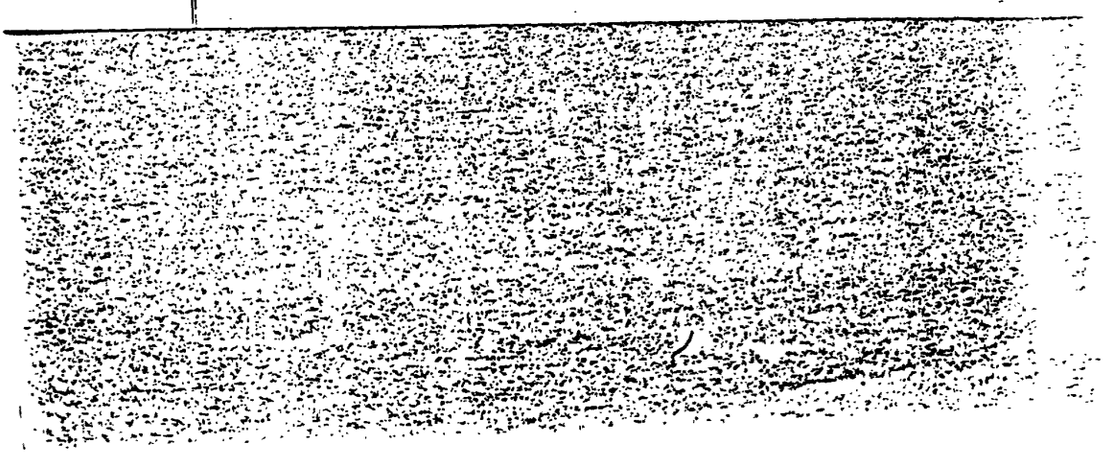
I gave this statement in my own free will without being promised by Mr. Hughes or anybody else any money, any better job or anything else. I have read this statement and the same is true and correct. I can speak and write English and Polish.

I read this three page statemen
and the same is true and correct

Helen Hajnos nee.....
Helen Zackwieja

Manville N. J.
November 21, 1929

Witness
E. Ramey



CRMC-Motley1000-Subj-003256

HELEN ZACKWIEJZ, by next friend, her mother, MARY ZACKWIEJA,

Plaintiff,

-vs-

JOHNS-MANVILLE CORP., a Corporation of the State of New York

Defendant.

On Rule to Show Cause.

AFFIDAVITS OF DEFENDANT

Hobart & Minard
Attys. for Deft.
24 Branford Place
Newark, N. J.

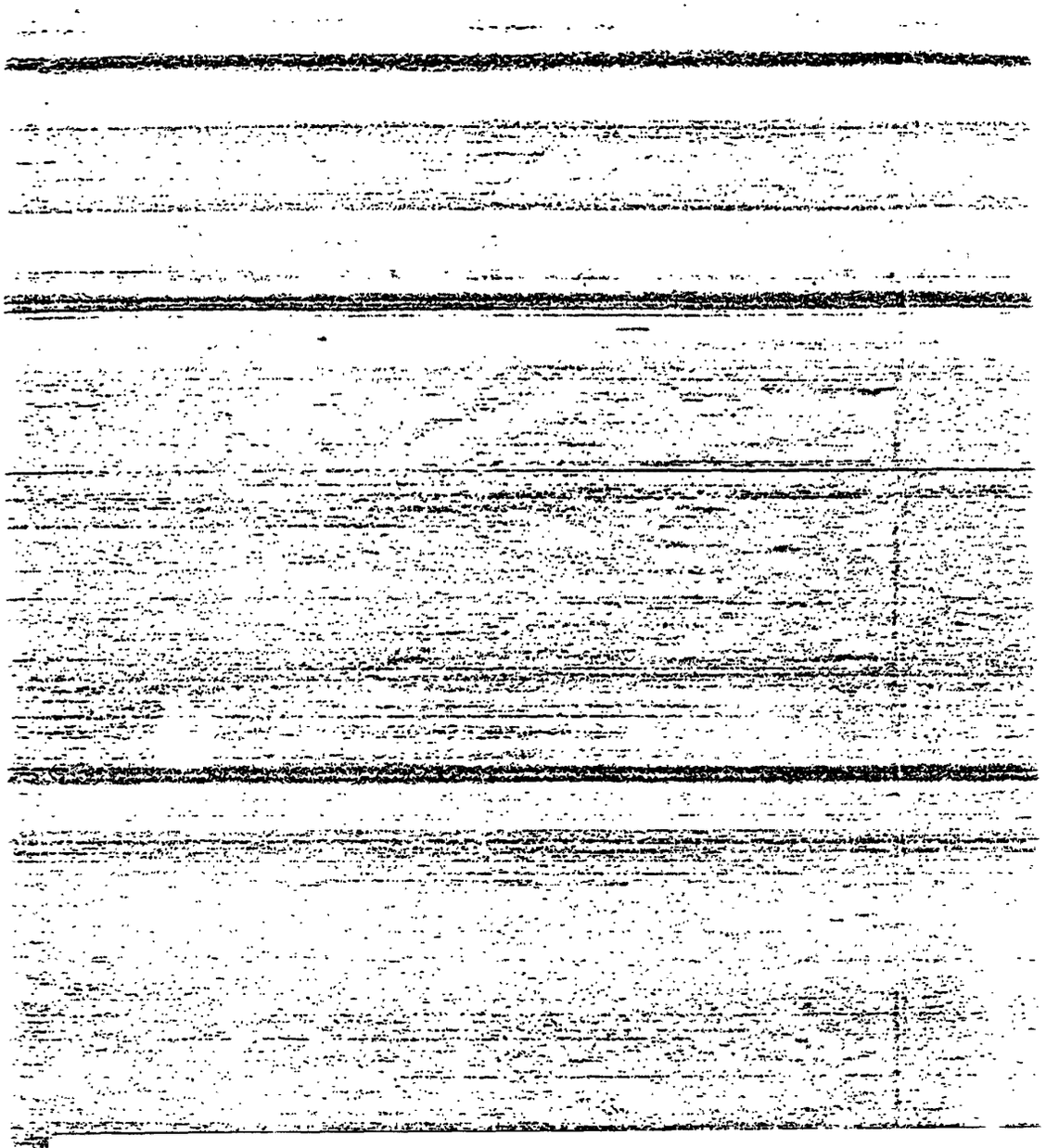
FILED

MAR 11 1930

GEORGE T. CRANMER, Clerk.

CRMC-Motley1000-Subj-003257

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GENERAL SERVICES ADMINISTRATION
National Archives and Records Service

To all to whom these presents shall come, Greeting:

By virtue of the authority vested in me by the Administrator of General Services, I certify on his behalf, under the seal of the National Archives of the United States, that the attached reproduction(s) is a true and correct copy of documents in his custody.

(seal)

SIGNATURE
Anthony J. Frantzen
NAME
Anthony J. Frantzen
DATE
11/3/80
TITLE
Archivist Archives Branch
NAME AND ADDRESS OF DEPOSITORY
Federal Archives and Records Center
Building 22 - MOT - Bayonne
Bayonne, N.J. 07002
2NCN

GSA FORM

CRMC-Motley1000-Subj-003258

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

HELEN ZACKWIEJA, by next friend her mother, MARY ZACKWIEJA,
Plaintiff,

vs.

JOHNS-MANVILLE CORPORATION, a corporation of the State of New York,
Defendant.

On motion to Quash Summons and Dismiss Complaint.

RULE TO SHOW CAUSE

£1957

On reading and filing the affidavits presented in behalf of the defendant,

O R D E R E D that the plaintiff and the plaintiff's attorney show cause before this Court on the thirty first day of ~~February~~ March, 1930, at 10.30 o'clock A.M., at the court room in the Chamber of Commerce Building, 24 Branford Place, Newark, New Jersey, why the summons herein should not be quashed and the complaint dismissed on the ground that the summons was issued and the complaint filed without the authority of the plaintiff.

FURTHER ORDERED that a copy of this rule and of said affidavits (certified as true copies by the attorneys of the defendant) be served within four days from the date hereof, upon the plaintiff either personally or by leaving same at plaintiff's residence and upon the attorney of the plaintiff either personally or by leaving same at his office in the City of Newark.

FURTHERED ORDERED that on the return day of this rule the parties have leave to take testimony in open court in support thereof and in opposition thereto.

DATED: ~~February~~ March 7th 1930.

Rule entered this 11th day of ~~February~~ March, 1930, on motion of HOBART & MINARD, Attorneys of Defendant.

Guy L. Fake
U.S.D.J.

CRMC-Motley1000-Subj-003259

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1929

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

HELEN ZACKWIEJA, by next friend, her mother, MARY ZACKWIEJA,

Plaintiff,

vs.

JOHNS-MANVILLE CORPORATION, a corporation of the State of New York,

Defendant.

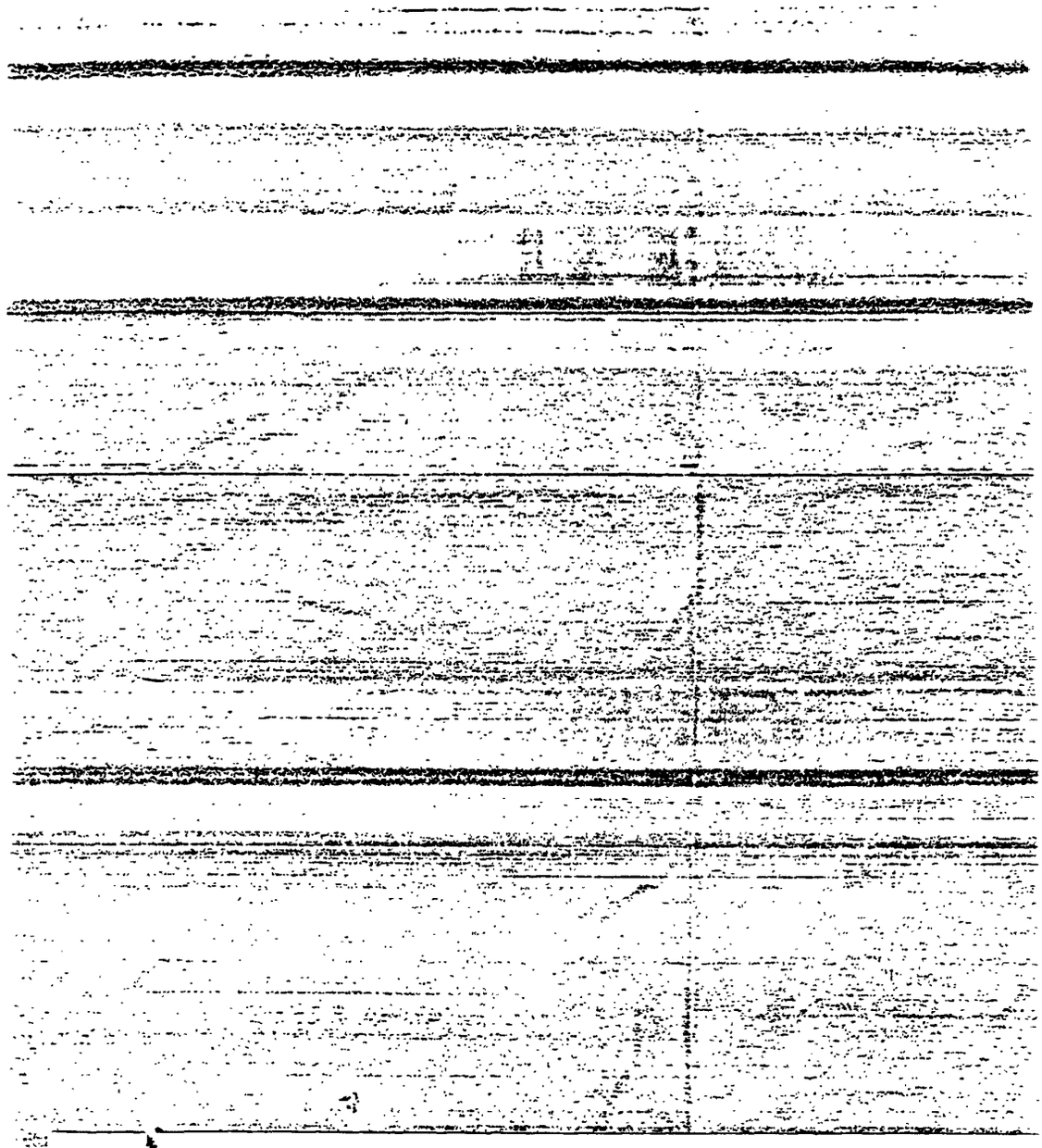
On motion to Quash Summons and Dismiss Complaint.
RULE TO SHOW CAUSE

Hobart & Minard, Esqs.,
Attorneys of Defendant,
24 Branford Place,
Newark, N. J.

FILED

MAR 11 1930

CRMC-Motley1000-Subj-003260



GENERAL SERVICES ADMINISTRATION
National Archives and Records Service

To all to whom these presents shall come, Greeting:

By virtue of the authority vested in me by the Administrator of General Services, I certify on his behalf, under the seal of the National Archives of the United States, that the attached reproduction(s) is a true and correct copy of documents in his custody.

(seal)

SIGNATURE

NAME: Anthony J Fantozzi DATE: 11/3/81

TITLE: Archivist, Archives Branch

NAME AND ADDRESS OF DEPOSITORY
Federal Archives and Records Cent..
Building 22 - MOT - Bayonne
Bayonne, N.J. 07002
2NCN

GSA FORM

CRMC-Motley1000-Subj-003261

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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

HELEN ZACKWIEJA, by next friend, her mother, MARY ZACKWIEJA,

Plaintiff,

vs.

JOHNS-MANVILLE CORPORATION, a corporation of the State of New York,

Defendant.

On motion to quash summons and to dismiss complaint

AFFIDAVIT OF SERVICE

STATE OF NEW JERSEY :
: ss.
COUNTY OF ESSEX :

JOHN MURRAY, being duly sworn, according to law, on his oath, says:

I am employed as a clerk in the office of Hobart & Minard, attorneys of defendant. On Tuesday, March 11,1930, at 2.30 p.m., I served upon Samuel Greenstone. attorney of record of the plaintiff, a copy of the rule to show cause herein, dated March 7, 1930, duly certified as a true copy by Hobart & Minard, attorneys of defendant, and on the same day I served upon said Samuel Greenstone a copy of the affidavits filed herein by the defendant, duly certified as true copies by Hobart & Minard, attorneys of defendant.

Said service was made by leaving said copies of said rule to show cause and said affidavits at the office of said Samuel Greenstone No. 972 Broad St., in the City of Newark, N.J., with the person in charge of said office at said time.

Subscribed and sworn to at Newark,N.J. this 12th day of March,1930, before me

W A Hobart
A Notary Public of NJ

John Murray

CRMC-Motley1000-Subj-003262

DISTRICT OF NEW JERSEY

HELEN ZACKWIEJA, by next friend
her mother, MARY ZACKWIEJA,
Plaintiff

vs.

JOHNS-MANVILLE CORPORATION, a
corporation of the State of
New York,
Defendant

On motion to quash summons and
to dismiss complaint

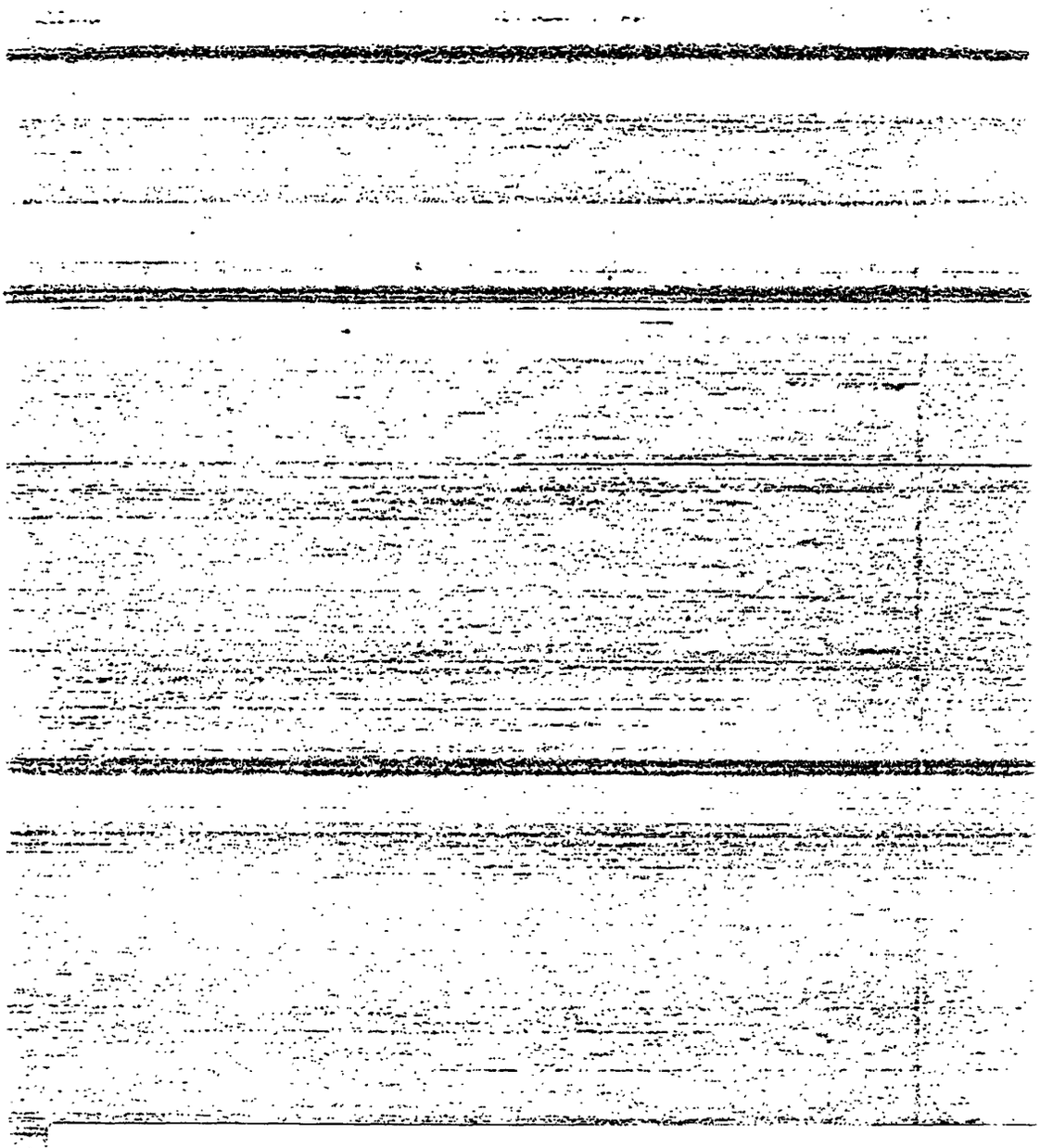
AFFIDAVIT OF SERVICE

HOBART B. MINARD
ATTORNEYS FOR Defendant
24 BRANFORD PLACE
NEWARK, N. J.

MAR 17 1930

GEORGE T. CRANMER, Cl

CRMC-Motley1000-Subj-003263



GENERAL SERVICES ADMINISTRATION
National Archives and Records Service

To all to whom these presents shall come, Greeting:

By virtue of the authority vested in me by the Administrator of General Services, I certify on his behalf, under the seal of the National Archives of the United States, that the attached reproduction(s) is a true and correct copy of documents in his custody.

(seal)

SIGNATURE

NAME: Anthony F Fantozzi | DATE: 11/3/80

TITLE: Archivist Archives Branch

NAME AND ADDRESS OF DEPOSITORY

Federal Archives and Records Center
Building 22 - MOT - Bayonne
Bayonne, N.J. 07002
2NCW

GSA FORM

CRMC-Motley1000-Subj-003264

Ex. Ident.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

HELEN ZACKWIEJA, by next friend, her mother, MARY ZACKWIEJA,

Plaintiff,

-vs-

JOHNS-MANVILLE CORPORATION, a corporation of the State of New York,

Defendant.

On motion to quash summ and dismiss complain

AFFIDAVIT OF SERVICE

STATE OF NEW JERSEY :
: ss
COUNTY OF SOMERSET :

ARCHIBALD HUGHES, being duly sworn, according to law, on his oath, says:

I am employed by the defendant at its factory in Manville, N. J. On Tuesday, March 11, 1930, I served upon the plaintiff a copy of the rule to show cause herein dated March 7, 1930, and copies of the affidavits filed herein by the defendant, said copies of said rule and affidavits being duly certified as true copies by Hobart & Minard, attorneys of defendant.

Said service was made by leaving said copies personally with the plaintiff at the Manville plant of the defendant.

Subscribed and sworn to at Manville, N.J. this 17 day of March, 1930, before me

Archibald Hughes

A Notary Public of New Jersey

CRMC-Motley1000-Subj-003265

HELEN ZACKWIEJA, by next friend,
her mother, MARY ZACKWIEJA,

Plaintiff,

-vs-

JOHNS-MANVILLE CORPORATION, a
corporation of the State of
New York,

Defendant.

On motion to quash summons
and dismiss complaint

AFFIDAVIT OF SERVICE

Hobart & Minard
Attys. for Deft.
24 Branford Pl.
Newark, N.J.

FILED

MAR 25 1930

GEORGE J. CHAHN

CRMC-Motley1000-Subj-003266

GENERAL SERVICES ADMINISTRATION
National Archives and Records Service

To all to whom these presents shall come, Greeting:

By virtue of the authority vested in me by the Administrator of General Services, I certify on his behalf, under the seal of the National Archives of the United States, that the attached reproduction(s) is a true and correct copy of documents in his custody.

(seal)

SIGNATURE

NAME: Anthony Frantozzi

DATE: 11/3/80

TITLE: Archivist, Archives Branch

NAME AND ADDRESS OF DEPOSITORY

Federal Archives and Records Center
Building 22 - MOT - Bayonne
Bayonne, N.J. 07002
2NCN

GSA FORM APR 75

CRMC-Motley1000-Subj-003267

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

HELEN ZACKWIEJZ, by next friend, her mother, MARY ZACKWIEJZ, Plaintiff, -vs- JOHNS-MANVILLE CORPORATION, a corporation of the State of New York, Defendant.	ON MOTION TO QUASH SUMMONS AND DISMISS COMPLAINT. ORDER.

This matter coming on to be heard before me, in the presence of the attorneys of the parties (Samuel Greenstone appearing for the plaintiff and Hobart & Minard appearing for the defendant), on the return of the rule to show cause allowed herein on 7th day of March, 1930, why the summons should not be quashed and the complaint dismissed on the grounds stated in said rule, and the court having taken the testimony of the parties in open court, and it appearing that the attorney for the plaintiff was properly retained and authorized to commence the above action; and the attorneys for the defendant having consented in open court to dismissal of the said rule;

It is, on this 15 day of April, 1930,

ORDERED, that the said rule to show cause be and the same is hereby dismissed without costs.

Samuel Greenstone
Attorney for Plaintiff.

Lawrence Baker
United States District Court
Judge.

CRMC-Motley1000-Subj-003268

LAW 1929

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY.

HELEN ZACKWIEJZ, by next friend
her mother, MARY ZACKWIEJZ,

Plaintiff,

-vs-

JOHNS-MANVILLE CORPORATION,
a corporation of the State of
New York,

Defendant.

ON MOTION TO QUASH SUMMONS
AND DISMISS COMPLAINT.
ORDER.

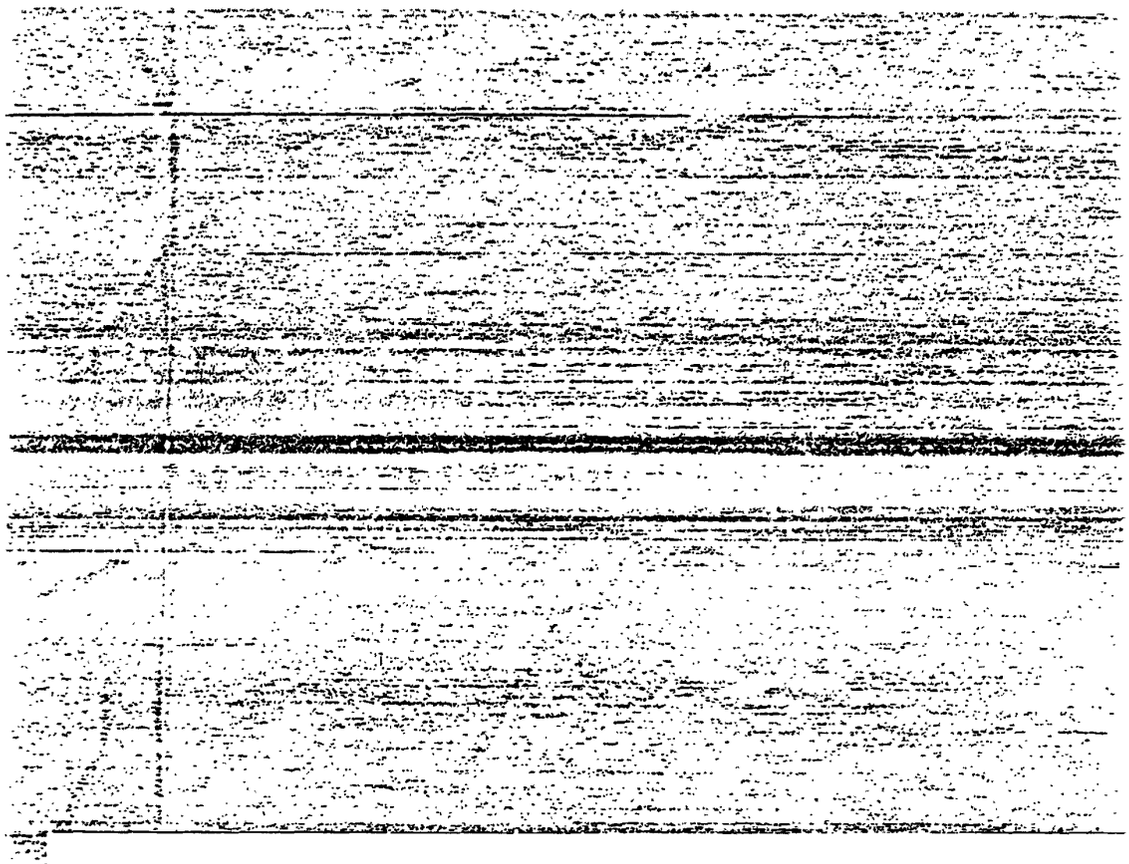
SAMUEL GREENSTONE,
Attorney for Plaintiff,
972 Broad St.,
Newark, N. J.

FILED

APR 17

A. M.
GEORGE T. CRANMER, Clerk.

CRMC-Motley1000-Subj-003269



GENERAL SERVICES ADMINISTRATION
National Archives and Records Service

To all to whom these presents shall come, Greeting:

By virtue of the authority vested in me by the Administrator of General Services, I certify on his behalf, under the seal of the National Archives of the United States, that the attached reproduction(s) is a true and correct copy of documents in his custody.

(seal)

SIGNATURE: Anthony J Fantozzi

NAME: Anthony J Fantozzi DATE: 11/3/80

TITLE: Archivist Archives Branch

NAME AND ADDRESS OF DEPOSITORY:
Federal Archives and Records Center
Building 22 - MOT - Bayonne
Bayonne, N.J. 07002
2NCN

GSA FORM APR 76

CRMC-Motley1000-Subj-003270

NOTICE OF TRIAL – ALL LAW COURTS –3

Karkus Printers, Inc., Law Blank Publishers
Perth Amboy, N. J.

UNITED STATES DISTRICT **Court.**

FOR THE DISTRICT OF NEW JERSEY.

HELEN ZACKWIEJZ, by next friend, her mother, MARY ZACKWIEJZ,

Plaintiff,

vs.

JOHNS-MANVILLE CORPORATION, a corporation of the State of New York,

Defendant.

Action at law

Notice of Trial.

SIR :—PLEASE TO TAKE NOTICE, that the trial of the issue joined in this cause will be moved before said Court, in the presence of such Judge or Justice thereof, as shall then be holding said Court, on the first *Tuesday of* November *A. D. 19* 30, *at* 24 Commerce St., Newark *in and for the* District *of* New Jersey *at ten o'clock in the forenoon, or as soon thereafter as the said Court can attend to the same.*

Dated April 23d *A. D. 19* 30.

Samuel Greenstone

Attorney of Plaintiff.

To Hobart & Minard. *Esqs.,*

Attorneys of Defendant

CRMC-Motley1000-Subj-003271

LAW 2,957

1929

UNITED STATES DISTRICT Court

FOR THE DISTRICT OF NEW JERSEY

HELEN ZACKWIEJZ, by next friend, her mother, MARY ZACKWIEJZ,

Plaintiffs,

-vs-

JOHNS-MANVILLE CORPORATION, a corporation of the State of New York.

Defendant.

Action at Law

MAY 12 1930

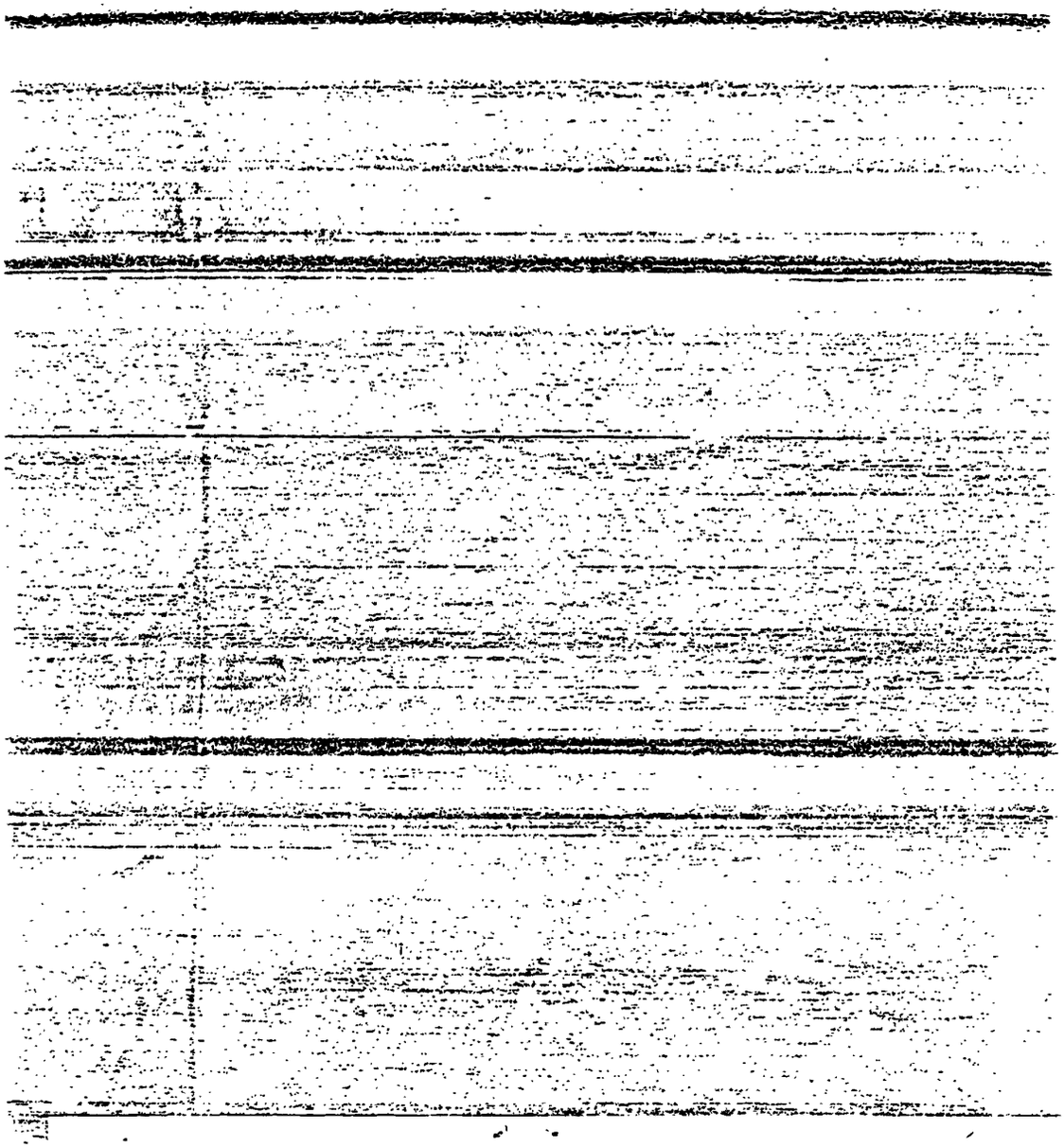
Notice of Trial

Samuel Greenstone.

Attorney for Plaintiff.

Service of the within Notice of Trial is hereby acknowledged this 28th day of April A. D. 1930

Attorney for Defendant.



GENERAL SERVICES ADMINISTRATION
National Archives and Records Service

To all to whom these presents shall come, Greeting:

By virtue of the authority vested in me by the Administrator of General Services, I certify on his behalf, under the seal of the National Archives of the United States, that the attached reproduction(s) is a true and correct copy of documents in his custody.

(seal)

SIGNATURE

NAME: Anthony J Fontozzi | DATE: 11/3/60

TITLE: Archivist, Archives Branch

NAME AND ADDRESS OF DEPOSITORY

Federal Archives and Records Center
Building 22 - MOT - Bayonne
Bayonne, N.J. 07002

GSA

CRMC-Motley1000-Subj-003273

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

Helen Zackwiejz :

VS. : No. L-1959

Johns-Manville Corp :

NOTICE OF FIXING PLACE FOR TRIAL.

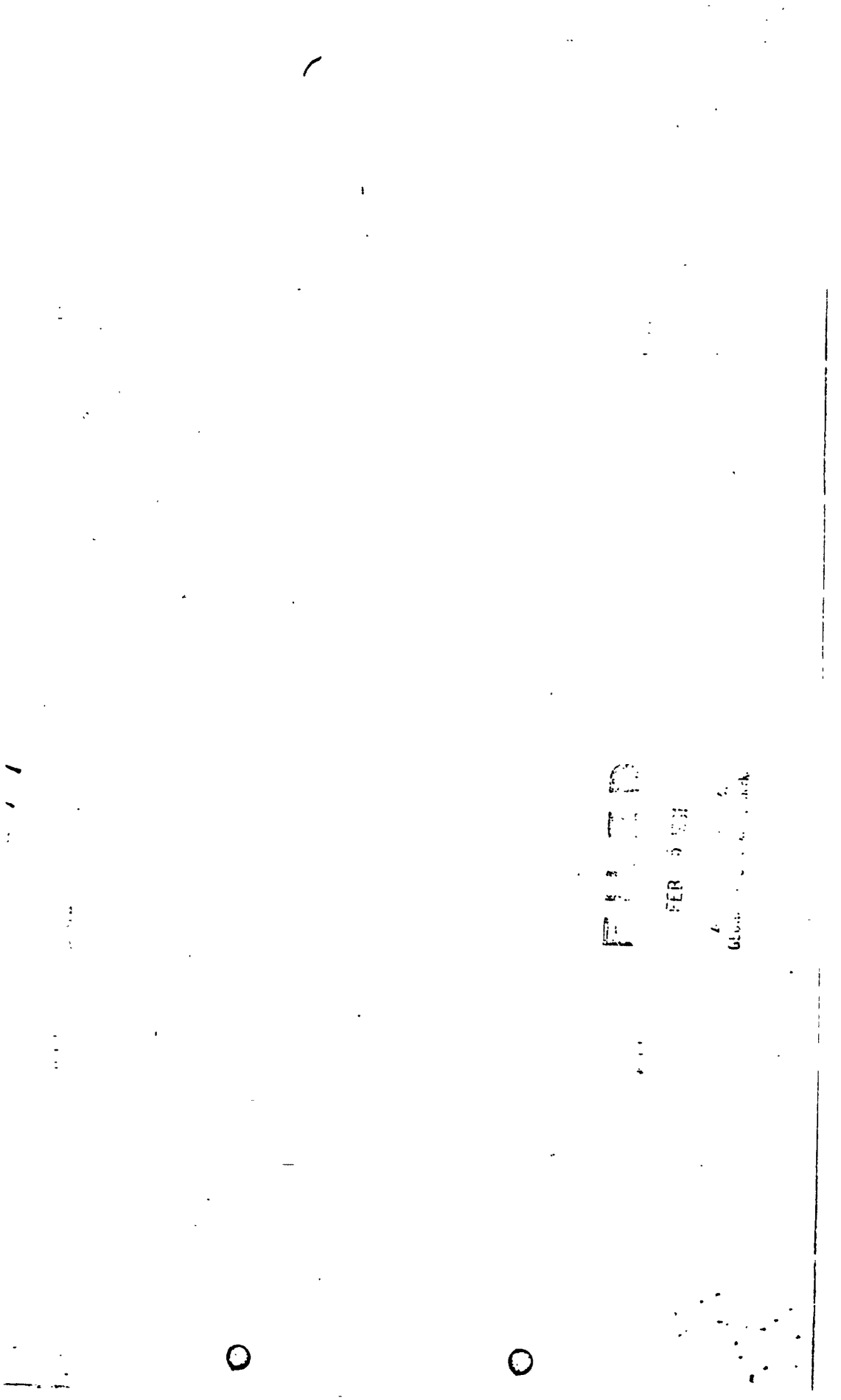
Pursuant to Rule 12 I have fixed the place for the trial of the above case at Newark, N. J.

The next term of this court to be held at Newark, N. J. will commence the First Tuesday in April next and this case having been noticed for trial pursuant to said rule will be placed on the calendar. No notice of trial for subsequent terms will be necessary.

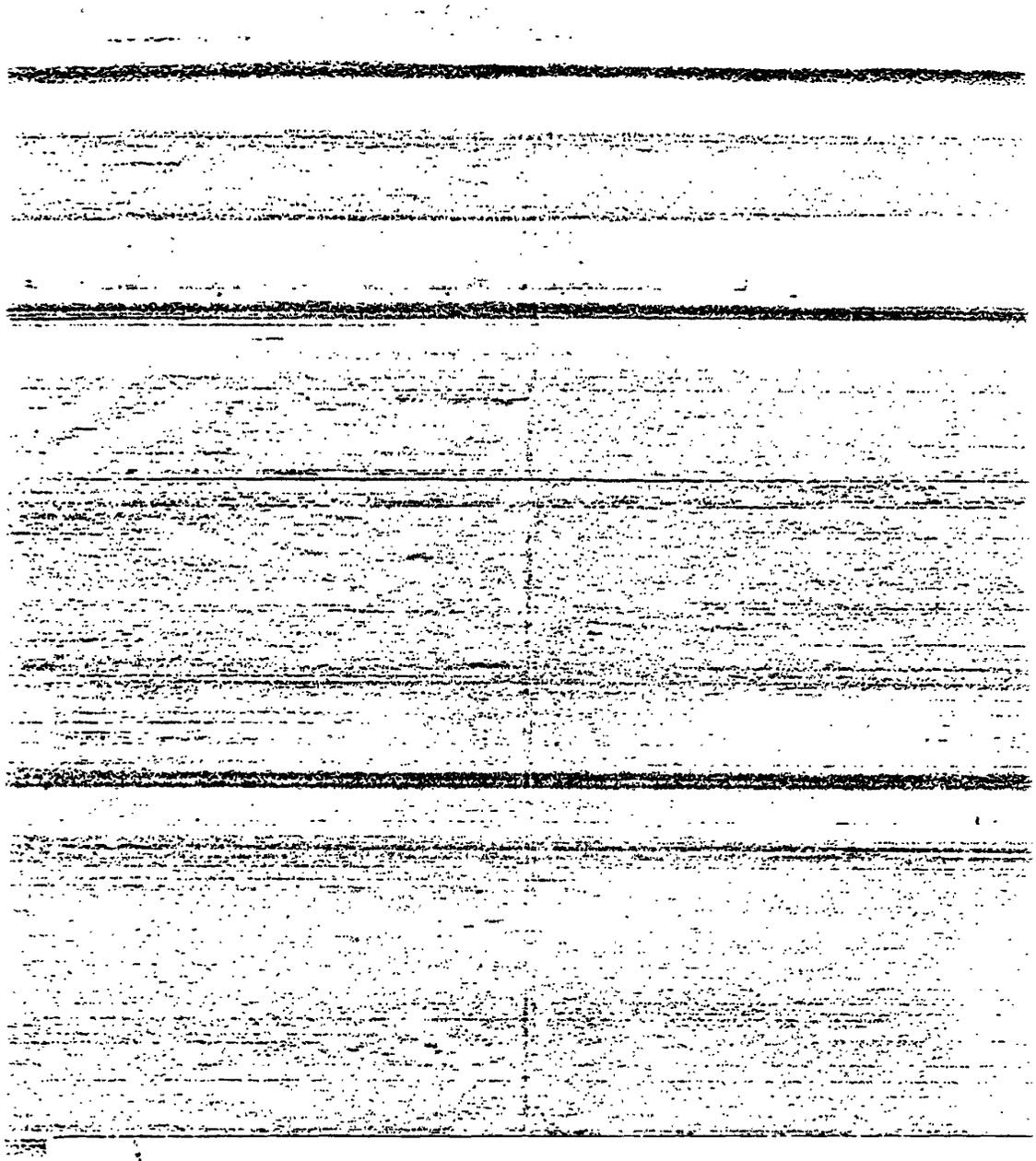
George T. Cranmer,
Clerk

By Charles S. Chevrier,
Deputy.

CRMC-Motley1000-Subj-003274



CRMC-Motley1000-Subj-003275



GENERAL SERVICES ADMINISTRATION
National Archives and Records Service

To all to whom these presents shall come, Greeting:

By virtue of the authority vested in me by the Administrator of General Services, I certify on his behalf, under the seal of the National Archives of the United States, that the attached reproduction(s) is a true and correct copy of documents in his custody.

(seal)

SIGNATURE

NAME: Anthony J Fantozzi DATE: 11/3/81

TITLE: Archivist, Archives Branch

NAME AND ADDRESS OF DEPOSITORY:
Federal Archives and Records Center
Building 22 - MOT - Bayonne
Bayonne, N.J. 07002
2WCN

GSA FORM APR

CRMC-Motley1000-Subj-003276

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UNITED STATES DISTRICT Court
FOR THE DISTRICT OF NEW JERSEY

HELEN ZACKWIEJZ, by next friend, her mother, MARY ZACKWIEJZ

Plaintiff

vs.

JOHNS-MANVILLE CORPORATION, a Corporation of the State of New York,

Defendant

Action at Law.

ORDER FOR DISCONTINUANCE.

The above entitled cause having been settled between the parties thereto;

It is ORDERED, that the same be, and it is hereby discontinued, without costs to either party as against the other.

George T. Cranmer
Clerk
By Charles A. Schmieder
Deputy

Entered June 13, 1934

On motion of
Hartpence & Hannaford
Attorneys of defendant

Consent is hereby given to the making and entering of the above order.

Attorney for Plaintiff

CRMC-Motley1000-Subj-003277

FOR THE DISTRICT OF NEW JERSEY

1929 No.

HELEN ZACKWIEJZ, by next friend, her mother, MARY ZACKWIEJZ,

Plaintiff

vs

JOHNS-MANVILLE CORPORATION, a corporation of the State of New York,

Defendant

Action at Law.

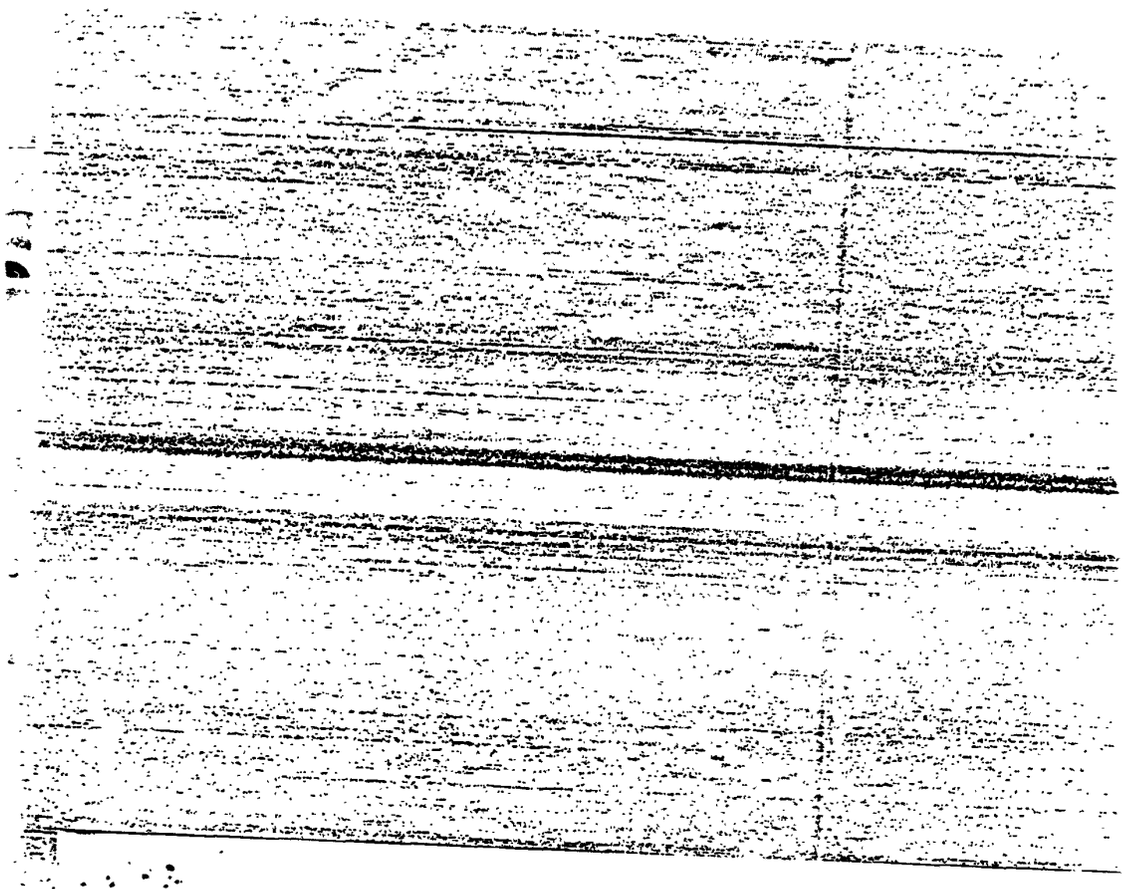
Order for Discontinuance

HOBART & MINARD
ATTORNEYS FOR DEFENDANT
1180 RAYMOND BOULEVARD
NEWARK, N. J.

FILED
JUN 13 1934
AT 9 O'CLOCK A. M.
GEORGE T. CRANMER, CLERK.

CRMC-Motley1000-Subj-003278

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GENERAL SERVICES ADMINISTRATION
National Archives and Records Service

To all to whom these presents shall come, Greeting:

By virtue of the authority vested in me by the Administrator of General Services, I certify on his behalf, under the seal of the National Archives of the United States, that the attached reproduction(s) is a true and correct copy of documents in his custody.

(seal)

SIGNATURE

NAME: Anthony J Fontana | DATE: 11/3/86

TITLE: Archivist, Archives Branch

NAME AND ADDRESS OF DEPOSITORY:
Federal Archives and Records Center
Building 22 - MOT - Bayonne
Bayonne, N.J. 07002
2NCN

GSA FORM

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Notice of Trial—All Law C[illegible]—3

Karkus Brothers, Inc.
Law Blank Publishers, Perth Amboy, N. J.

UNITED STATES DISTRICT **Court.**
FOR THE DISTRICT OF NEW JERSEY.

HELEN ZACKWIEJZ, by next friend her mother, MARY ZACKWIEJZ,
Plaintiff,
vs.
JOHNS-MANVILLE CORPORATION, a corporation of the State of New York,
Defendant.

Action at law

Notice of Trial.

SIR :—PLEASE TO TAKE NOTICE, that the trial of the issue joined in this cause will be moved before said Court, in the presence of such Judge or Justice thereof, as shall then be holding said Court, on the First *Tuesday of* April *A. D. 19* 31, *at the* Lefcourte Bldg, Newark *in and for the* District of New Jersey *at ten o'clock in the forenoon, or as soon thereafter as the said Court can attend to the same.*

Dated January 14th *A. D., 19*31.

Samuel Greenstein
Attorney of Plaintiff.

Hobart & Minard

To _____ *Esq.,*
Attorney of Defendant.

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U. S. DISTRICT Court

FOR THE DIST. OF NEW JERSEY

HELEN ZACKWIEJZ, by mother, next friend, her
MARY ZACKWIEJZ, Action

Plaintiff,

-vs- at

JOHNS-MANVILLE COR-
PORATION, a corporation
of the State of New York,
law

Defendant.

Notice of Trial

Attorney for Plaintiff.

Service of the within Notice of Trial is hereby acknowledged this day of A. D. 19

Attorney for Defendant

FILED

CHARLES T. CRANMER, Clerk.

CRMC-Motley1000-Subj-003281

EXHIBIT P-738

73

GENERAL SERVICES ADMINISTRATION
National Archives and Records Service

To all to whom these presents shall come, Greeting:

By virtue of the authority vested in me by the Administrator of General Services, I certify on his behalf, under the seal of the National Archives of the United States, that the attached reproduction(s) is a true and correct copy of documents in his custody.

(seal)

SIGNATURE
Anthony F. Zaccagni
NAME
Anthony F Zaccagni
DATE
11/3/80
TITLE
Archivist, Archives Branch
NAME AND ADDRESS OF DEPOSITORY
Federal Archives and Records Center
Building 22 - MOT - Bayonne
Bayonne, N.J. 07002
2NCN

GSA FORM

CRMC-Motley1000-Subj-003282

THE STATE OF NEW JERSEY: TO JOHNS-MANVILLE CORPORATION, a corporation of the State of New York:

(L.S.)

You are summoned to answer the annexed complaint of Helen Zackwieja, by her next friend, her mother, Mary Zackwieja, in an Action-At-Law in the New Jersey Supreme Court. And take notice that unless you file your answer to said complaint with the Clerk of the New Jersey Supreme Court, at Trenton, New Jersey, within twenty days after the service upon you of this writ and the annexed complaint, the plaintiff may proceed in the suit and judgment may be entered against you.

WITNESS, Honorable William S. Gummere, Chief Justice of the Supreme Court, at Trenton, New Jersey, this 18th day of July 1929,

Samuel Greenstone
Attorney

Fred L. Bloodgood
Clerk

CRMC-Motley1000-Subj-003283

NEW JERSEY SUPREME COURT

MONTHOUTH COUNTY

HELEN ZACKWIEJZ, by next friend, her mother, MARY ZACKWIEJA .

Plaintiff,

-vs-

JOHNS-MANVILLE CORP., a Corporation: of the State of New York,

Defendant

ACTION AT LAW

C O M P L A I N T

The plaintiff, residing at Manville, New Jerse complains of the a bove named defendant, a foreign corporat as follows:-

1. The plaintiff was in the employ of the defendant corporation at its plant in Manville, New Jersey, in the month of May, 1929, and for several years prior thereto.

2. The defendant corporation at the time herein set forth was engaged in the manufacture of asbestos products for commercial purposes.

3. The said defendant employed the plaintiff at the time and place above set forth in its manufacture said asbestos products, and the said defendant not only knew, but should have known, that the said asbestos products contained certain dangerous, insidious and harmful agencies composed of asbestos fibers and other particles that were destructive to life and health in the human body when brought into close contact with the same.

4. The defendant not only knew, but should have known, the dangerous nature of said asbestos fibers and particles and failed to keep the same in control, but was negligent in allowing the said dangerous fibers and particles to escape and to come into close proximity of the plaintiff

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personnel exposed the plaintiff so that she came into contact with, and inhaled, the said dangerous fibers and particles to the extent that her bronchial tubes, lungs and body became infected with the same.

5. Plaintiff was not informed or warned by the defendant, and had no knowledge of the nature of the said dangerous asbestos fibers and particles with which she was brought into close proximity by the defendant's negligence.

6. The negligence of the defendant complained of is as follows:

(a) In failing to use reasonable care to provide the plaintiff with a reasonably safe place of work.

(b) In failing to use reasonable care to provid the plaintiff with proper masks other appliances or safe guards in said work.

(c) In failing to use reasonable care to provide a proper ventilating system at its plant.

(d) In failing to use reasonable care to give proper warning, information and knowledge about the dangerous character of its work with the said asbestos fibers and particles to the said plantiff at the time and place above mentioned.

7. The said asbestos fibers and particles were introduced into the plaintiff's body at the time and place aforesaid, so that the plaintiff was permanently injured externally and internally, in and about her head, body and limbs causing the plaintiff great pain and suffering, both mental and physical, greatly lowered her resistance to disease and she became a victim of tuberculosis and so seriously cut off the span and duration of life of this youthful plaintiff, and that by reason of the loss of the major part of her life time, of her physical and mental well being, of

CRMC-Motley1000-Subj-003285

her wage earnings and also the considerable amount of medical expense involved in her effort to retard the suffering from the disease and mend the wrecking of her body, she will be caused to suffer losses, expenses and damages to the extent of $100,000.00.

The plaintiff demands the sum of $100,000.00 as damages from the defendant.

Samuel Greenstone
Attorney for Plaintiff.

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July 20, 1929, I served the within summons and complaint upon Johns-Manville Corp., a corporation of the State of New-York by serving Archibald Hughes its Superintendant, personally, at Manville, N. J.

Ira E. Bridow, Sheriff

Fees. $3.78

Marvin Sheets Under Sheriff.

NEW JERSEY SUPREME COURT
SOMERSET COUNTY

HELEN ZACKWIEJA, by her next friend, her mother, Mary Zackwieja,

Plaintiff

-vs-

Johns-Manville Corp., a Corporation of the State of New York.

Defendant

SUMMONS AND COMPLAINT

Samuel Greenstone
Attorney for Plaintiff
972 Broad Street,
Newark, N.J.

Filed July 23, 1929
Fred L. Lloodgood, Clerk.

CRMC-Motley1000-Subj-003287

May 20, 1929. I served the within summons and complaint

NEW JERSEY SUPREME COURT
SOMERSET COUNTY.

HELEN ZACKWIEJZ, by next friend, her mother, MARY ZACKWIEJZ,

Plaintiff,

vs. Action at Law

JOHNS-MANVILLE CORPORATION, a corporation of the State of New York,

Defendant, NOTICE OF REMOVAL

TO - SAMUEL GRINSTEIN, ESQ.

Attorney for Plaintiff.

PLEASE TAKE NOTICE that on Saturday, July 27th, 1929, at 10:00 o'clock in the forenoon (Daylight Savings Time), at the Court House in Newark, New Jersey, we shall present to His Honor, William J. Cummere, Chief Justice of the Supreme Court, a petition of JOHNS-MANVILLE CORPORATION, the defendant named in the above suit, for the removal of said suit to the District Court of the United States, for the District of New Jersey; and shall also then and there present the bond mentioned in the said petition and shall apply for the removal of the said suit to the District Court of the United States, for the District of New Jersey ; and immediately thereafter we shall file said petition and bond; all according to the Act of Congress in such case made and provided.

Respectfully,

Dated: July 25th, 1929,

HOWARD & HOWARD,

Attorneys for Defendant, appearing specially,

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Filed July 29, 1929
Fred L. Boolgood, Clerk.

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N. J. SUPREME COURT
[illegible] COUNTY

HELEN ZACKWIEJZ, by next friend, her mother, MARY ZACKWIEJZ,

Plaintiff,

-vs-

JOHNS-MANVILLE CORPORATION, a Corporation of the State of New York,

Defendant.

: Action at Law :

: DOCKET NO. [illegible]

TO THE HONORABLE, SUPREME COURT OF THE STATE OF NEW JERSEY

The petition of JOHNS-MANVILLE CORPORATION, a corporation of the State of New York, the above named defendant, appearing herein specially and for the sole purpose of presenting its petition to this Honorable Court for the removal of this suit to the District Court of the United States, for the District of New Jersey, respectfully shows that:

1. The plaintiff is the only plaintiff in the above suit and at the time of the commencement thereof was and still is a resident and citizen of the State of New Jersey.

2. Your petitioner is the defendant in said suit and was at the time of the commencement thereof and still is a corporation existing under and by virtue of the laws of the State of New York, and is a resident and citizen of said State of New York, and the controversy in said suit is wholly between citizens of different states.

3. Said suit is of a civil nature, at law, and the matter in controversy in said suit exceeds, exclusive of interest and costs, the sum or value of $3,000., to wit, the sum or value of $100,000.00 the amount demanded by the plaintiff in said suit as damages from your petitioner, the defendant therein.

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4. No special bail was originally or is requisite in said suit.

5. Said suit was commenced by service of summons and complaint upon your petitioner on July 20th, 1929, by leaving a copy thereof with the Registered Agent of the petitioner in the State of New Jersey at Manville, N.J.; the time within which the petitioner is required to answer said complaint has not expired but will expire on August 9, 1929, unless further time to answer is allowed. The petitioner has not filed its answer to said complaint or in any way appeared in said action.

6. Your petitioner has made and files herewith a bond with good and sufficient surety for its entering in the District Court of the United States, for the District of New Jersey, within thirty days from the filing of this petition, a certified copy of the record in said suit, and for paying all costs that may be awarded by said District Court, if said District Court shall hold that said suit was wrongfully or improperly removed thereto, said bond being in the penal sum of $500., conditioned as required by the Act of Congress in such case made and provided.

Your petitioner prays this Honorable Court to proceed no further in said suit except to accept this

CRMC-Motley1000-Subj-003291

SOMERSET COUNTY

HELEN ZACKWIEJZ, by next friend, her mother, MARY ZACKWIEJZ,

Plaintiff,

vs.

JOHNS-MANVILLE CORPORATION, a Corporation of the State of New York,

Defendant.

Action at Law

BOND ON REMOVAL.

KNOW ALL MEN BY THESE PRESENTS: That we, JOHNS-MANVILLE CORPORATION, a corporation of the State of New York, as principal, and NEW YORK INDEMNITY COMPANY, a corporation of the State of New York, as surety, are held and firmly bound unto HELEN ZACKWIEJZ, (suing by next friend, her mother, MARY ZACKWIEJZ,) of Manville, Somerset County, State of New Jersey, in the penal sum of Five Hundred Dollars, lawful money of the United States, to be paid to the said HELEN ZACKWIEJZ, her heirs, executors, administrators and assigns, to which payment well and truly to be made, we bind ourselves, our successors and assigns, jointly and severally, firmly by these presents.

Sealed with our seals and dated the twenty-third day of July 1929.

WHEREAS, the above named HELEN ZACKWIEJZ, by next friend, her mother, MARY ZACKWIEJZ, has heretofore brought a suit of a civil nature, at law, in the New Jersey Supreme Court, against said JOHNS-MANVILLE CORPORATION, a corporation of the state of New York; and

WHEREAS, said JOHNS-MANVILLE CORPORATION, simultaneously with the filing of this bond, intends to file its petition in said suit in said New Jersey Supreme Court, to remove said suit into the District Court of the United States, in the District where said suit is pending, to

CRMC-Motley1000-Subj-003292

petition and bond, make the order of removal required by law and cause the record in said suit to be removed into said District Court of the United States, for the District of New Jersey, pursuant to the Act of Congress in such case made and provided.

And your petitioner will ever pray, etc.

JOHNS-MANVILLE CORPORATION
By E. M. Voorhees
Treasurer

(CS)

Hobart V. Minard
Attorneys of Petitioner,
appearing specially, etc.

Attest:

Clarence L. Dager
Assistant Secretary

CRMC-Motley1000-Subj-003293

STATE OF NEW YORK :
: ss.
COUNTY OF NEW YORK :

C. M. Voorhees of full age, being duly sworn, according to law, on his oath, says that he is Treasurer of JOHNS-MANVILLE CORPORATION, a corporation of the State of New York, the defendant in within mentioned suit and the petitioner named in the foregoing petition; that she has read said petition and knows the contents thereof and that the matters stated therein are true; that the matter in controversy in said suit exceeds, exclusive of interest and costs, the sum or value of $3,000: said suit is of a civil nature, at law, and is between citizens of different states, as appears from the complaint of the plaintiff therein, and he is informed and believes that the District Court of the United States has original jurisdiction thereof; and that the controversy in said suit can be fully determined as between the plaintiff and the defendant.

C. M. Voorhees

Subscribed and sworn to at New York, N.Y. this 25th day of July, 1929, before me John J. Maher

duly commissioned and sworn.
As witness my hand and official seal.

John J. Maher
Notary Public
Queens County Clerk's No. 2995
Queens County Register's No. 9193
New York County Clerk's No. 979
New York County Register No. 1AA 661
Commission Expires March 30, 1931

(LS)

CRMC-Motley1000-Subj-003294

Filed July 29, 1929,
Fred L. Bloodgood, Clerk

...HEW JERSEY SUPREME COURT
SOMERSET COUNTY

HELEN ZACKWIEJZ, by next friend, :
her mother, MARY ZACKWIEJZ,
therefore,

CRMC-Motley1000-Subj-003295

District of New Jersey, according to the provisions of the Act of Congress in such case made and provided, now, therefore,

THE CONDITION OF THIS OBLIGATION IS SUCH, that if the petitioner, JOHNS-MANVILLE CORPORATION, shall enter in the District Court of the United States, for the District of New Jersey, within thirty days from the date of filing said petition in said New Jersey Supreme Court, a certified copy of the record in said suit, and shall well and truly pay all costs that may be awarded by the said District Court, if said District Court shall hold that said suit was wrongfully or improperly removed thereto, and shall also appear and enter special bail in said suit, if special bail was originally requisite therein, then this obligation shall be void; otherwise to remain in full force and effect.

JOHNS-MANVILLE CORPORATION
by
G. M. Voorhees (L.S.)
Treasurer

(LS)

Attest:
Clarence L. Hager
Assistant Secretary

NEW YORK INDEMNITY COMPANY
by
John C. Gallagher (L.S.)
Attorney in fact

Attest:
Witness
Mildred A. Rinder
As to surety.

(LS)

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[illegible], that the [illegible]
[illegible], a corporation duly organized and existing under the laws of the State of New York, and having its principal offices in the City of New York, hath made, constituted and appointed, and does by these presents make, constitute and appoint John C. Gallagher individually of Newark and State of New Jersey its true and lawful Attorney with full power and authority hereby conferred in its name place and stead, to sign, execute and acknowledge with the exception of bail bonds any and all bonds and/or undertakings in any amount not exceeding One Hundred Thousand Dollars ($100,000). and to bind the [illegible] COMPANY thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the Company, and duly attested by its Secretary, hereby ratifying and confirming all the acts of said Attorney pursuant to the power herein given. This Power of Attorney is made and executed pursuant to and by authority of the following By-Law adopted by the Board of Directors of the [illegible] COMPANY at a meeting duly called and held on the twenty-fifth day of July, 1923:

"ARTICLE XII. Resident Officers and Attorneys-in-Fa

"Section 1. The Chairman, Vice-Chairman, Presid
"First Vice-President, or any other Vice-Presiden
"may from time to time appoint Resident Vice-
"Presidents, Resident Assistant Secretaries and
"Attorneys-in-Fact to represent and act for, and
"on behalf of the Company, and either the Chairm
"Vice-Chairman, President, First Vice-President,
"any other Vice- President, the Board of Director
"or the Executive Committee, may at any time re-
"move any such [illegible] Vice-President, Resident
"Assistant Secretary or Attorney-in-Fact, and re
"voke the power and authority given him.

"Section 4. Attorneys-in-Fact.— Attorneys-in-
"Fact may be given full power and authority to
"execute for and in the name of and on behalf o
"the Company, and any and all bonds, recognizan
"contracts of indemnity and other writings
"obligatory in the nature of a bond, recognizan
"or conditional undertaking, and any such in-
"strument executed by any such Attorney-in-Fact
"shall be as binding upon the Com any as if si
"by the President and sealed and attested by th
"Secretary.

"Section 6. Attorneys-in-Fact.— Attorneys-in-
"Fact are hereby authorized to verify any affi
"required to be attached to bonds, recognizance
"or contracts of indemnity, policies of insuran
"and all other writings obligatory in the natur
"thereof, and also authorized and empowered to
"certify to a copy of any By-Laws contained in
"Articles VI, VII and XIII of the By-Laws of th
"Company."

IN WITNESS WHEREOF, the [illegible] COMPANY has caused these presents to be signed by its Vice-[illegible] and its corporate seal to be hereto affixed, duly attested by its Assistant Secretary, this 12th day of July [illegible]

[illegible] COMPANY

(Seal)

Attest: [illegible]
Assistant Secretary.

By [illegible]
Vice-President

James E. Novack

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STATE OF NEW YORK,)
COUNTY OF NEW YORK,) ss.:
)

On this 12th day of July A.D. 1929, before me personally came W. C. Billings to me known, who, bein by me duly sworn, did depose and say, that he resides in the City of New York; that he is the Vice-President of t NEW YORK INDEMNITY COMPANY, the corporation described in and which executed the above instrument; that he knows t seal of said corporation; that the seal affixed to the s instrument is such corporate seal; that it was so affixe by order of the Board of Directors of said corporation, a that he signed his name thereto by like order.

(Seal)

William Dunn
Notary Public

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:
)

I, T. J. Flynn Assistant Secretary of the NEW YORK INDEMNITY COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a power of attorney, executed by said NEW YORK INDEMNITY COMPANY, w is still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my han and affixed the seal of said Company, at the City of New York, this 12th day of July A.D. 1929.

T. J. Flynn
Assistant Secretary.

CRMC-Motley1000-Subj-003298

State of New Jersey,
County of ESSEX } ss.:
City of NEWARK

On this Twenty-third day of July, 1929, before me, the subscriber, a NOTARY PUBLIC duly commissioned and sworn personally came JOHN C. GALLAGHER who, being by me duly sworn, on his oath, saith: That he is the ATTORNEY-IN-FACT of the NEW YORK INDEMNITY COMPANY of the State of New York, and that he resides in the City of NEWARK; that he knows the corporate seal of the said Company; that the seal affixed to the foregoing instrument is such corporate seal; and it was affixed by the said JOHN C. GALLAGHER and the said Instrument signed by the said JOHN C. GALLAGHER as ATTORNEY-IN-FACT of said Company by order of the Board of Directors of said Company in deponent's presence as the voluntary act and deed of said Company; that said Company has duly complied with all the requirements of Chapter 134 of the Laws of the State of New Jersey of the year 1902, that the gross available assets of the Company exceed its liabilities, as such liabilities are ascertained in the manner provided in said Chapter; that the NEW YORK INDEMNITY COMPANY is duly incorporated under the laws of the State of New York, and is authorized by the laws of that State and under its charter to become surety on bonds and obligations such as are mentioned in said Chapter; and has on deposit with the Superintendent of Insurance of the State of New York, good securities worth at par and at market value at least Two Hundred Thousand Dollars ($200,000) held for the security of its obligations and has a fully paid up, safely invested and unimpaired capital of One Million Dollars, and said Company has appointed the Commissioner of Banking and Insurance of New Jersey and his successor in office as its true and lawful Attorney in the State of New Jersey, upon whom process of law can be served, and has filed in the office of the Commissioner of Banking and Insurance, a written instrument duly signed and sealed, certifying such appointment, together with the residence and office of such Attorney, within the State of New Jersey; and that the following is a true copy of a By-Law duly adopted by the Board of Directors of the said NEW YORK INDEMNITY COMPANY on the 25th day of July, 1923, at a regular meeting, to wit:

ARTICLE XIII.

SECTION 1. *Signatures required.*—All bonds, recognizances, or contracts of indemnity, policies of insurance, and all other writings obligatory in the nature thereof, shall be signed by the President, a Vice-President, a Resident Vice-President, or Attorney-in-Fact, and shall have the seal of the Company affixed thereto, duly attested by the Secretary, an Assistant Secretary, or Resident Assistant Secretary. All Vice-Presidents and Resident Vice-Presidents shall each have authority to sign such instruments, whether the President be absent or incapacitated, or not, and the Assistant Secretaries and Resident Assistant Secretaries shall each have authority to seal and attest such instruments, whether the Secretary be absent or incapacitated, or not; and the Attorneys-in-Fact shall each have authority, in the discretion of such Attorneys-in-Fact, to affix to such instruments an impression of the Company's seal, whether the Secretary be absent or incapacitated, or not, or to attach the individual seal of the Attorneys-in-Fact thereto, or to use the scroll of the Attorneys-in-Fact, or a wafer, mucilage, or other similar adhesive substance affixed thereto, or a seal of paper or other similar substance affixed thereto by mucilage, or other adhesive substance, or use the word "SEAL" or the letters "L. S." opposite the signature of such Attorneys-in-Fact, as the case may be.

Sworn and subscribed in the City of Newark *in the County of* Essex *and State of* New Jersey *this* 23rd *day of* July *A. D.* 1929 *before me, a* NOTARY PUBLIC *duly commissioned and sworn.*

James E. Nowack,

John C. Gallagher

CRMC-Motley1000-Subj-003299

to statement furnished the department of such

New York Indemnity Company

New York

FINANCIAL STATEMENT, DECEMBER 31st, 1928

SPENCER, WELTON, President. HUBERT J. HEWITT, Secretary

ASSETS

Stocks and Bonds at Market	$5,562,908.00
Collateral Loans	700,000.00
Cash	359,243.55
Unpaid Premiums (Less than 90 Days old)	1,505,145.19
Accounts Receivable and Accrued Interest	440,368.91
Total	$8,567,665.65

LIABILITIES

Reserve for Unearned Premiums	$3,045,808.20
Reserve for Contingent Claims Less Reinsurance	3,141,888.49
Reserve for Taxes and Commissions	459,174.43
Accounts Payable	240,995.36
Reinsurance in Companies Not Entered in New York	65,732.96
Capital	1,000,000.00
Surplus	614,066.21
Total	$8,567,665.65

STATE OF NEW YORK, }
COUNTY OF NEW YORK, } ss.

I, T. J. Flynn, Assistant Secretary of the New York Indemnity Company, do hereby certify that the above is a true statement of the assets and liabilities of said Company as of December 31st, 1928, to the best of my knowledge and belief.

Company's Seal

Thomas J. Flynn

STATE OF NEW YORK, }
COUNTY OF NEW YORK } ss.

Subscribed and sworn to before me, a Notary Public of the State of New York, in the City of New York, this 4th day of February A. D. 1929.

Notary's Seal

George C. Kaiser

NOTARY PUBLIC
Bronx Co. No. 9, Register's No. 3004-A
Certificate filed in New York Co. No. 496, Register's No. 0-376
Commission Expires March 30, 1930

CRMC-Motley1000-Subj-003300

STATE OF NEW YORK :
ss.
COUNTY OF NEW YORK :

BE IT REMEMBERED, That on this twenty-third day of July, in the year of our Lord, One thousand nine hundred and twenty-nine, before me, the subscriber, John J. Maher personally appeared, Clarence L. Nagler who being by me duly sworn, doth depose and make proof to my satisfaction that he is Assistant Secretary and that he well knows the common seal of JOHNS-MANVILLE CORPORATION, the obligor named in the foregoing bond, that the seal thereto affixed is the proper common seal of the said corporation, and that the same was so affixed thereto, and the said bond signed and delivered by E. M. Voorhees who was at the date and execution thereof Treasurer of said corporation, as the voluntary act and deed of the said corporation, in the presence of said deponent, and that the said deponent subscribed the same as witness to the execution thereof.

Clarence L. Nagler

Subscribed and sworn to at New York, N.Y. this 23rd day of July 1929, before me John J Maher. duly commissioned and sworn as witness my hand and official seal.

John J. Maher

(LS)

Notary Public
Queens County Clerk's No 2995
Queens County Register's No. 9193
New York County Clerk's No. 979
New York County Register's No. 1M 66
Commission Expires March 30, 1931

CRMC-Motley1000-Subj-003301

NEW J... SUPERIOR COURT
SOMERSET COUNTY

...ACKIEJZ, by next
friend, ...r mother, MARY
...ACKIEJZ,

Plaintiff,

vs.

JOHNS-MANVILLE CORPORATION,
a Corporation of the State
of New York,

Defendant.

Action at Law

Hobart & Minard,
Attys. of Defendant,
appearing specially,
24 Commerce St.,
Newark, N.J.

Filed July 29, 1929,
Fred L. Bloodgood, Clerk.

NEW J... SUPERIOR COURT
SOMERSET COUNTY.

CRMC-Motley1000-Subj-003302

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[illegible] DISTRICT
[illegible]

[illegible] by next friend,
her mother, [illegible]

Plaintiff,

vs.

Action at Law.

[illegible]

[illegible] CO. [illegible],
a Corporation of the State of
[illegible],

Defendant.

On the notice to the attorney for plaintiff in the above entitled cause, it is on this 27th day of July 1929, on motion of Hobart & Minard, attorneys for the defendant therein;

ORDERED that the petition of said defendant for the removal of said cause to the District Court of the United States, for the District of New Jersey, be and the same is hereby accepted and that the bond presented with said petition be and it hereby is accepted and approved and that said petition and bond be filed.

Let the foregoing order be entered.

[signature]
C. J.

Entered July 29, 1929,
on Motion of
[signature]
Attorneys of defendant,
appearing specially.

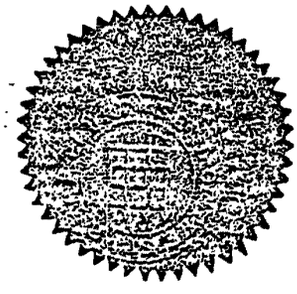
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Fred L. Bloodgood,
I, ~~Edward xxxxxxxxxx~~, Clerk of the Supreme Court of the State of New Jersey, do certify that the foregoing is a true copy of the entire proceedings in the above stated cause as the same remain on file and of record in my office.



In testimony whereof I have set my hand and the seal of said Court at Trenton, this Thirtieth, day of July, A. D. nineteen hundred and Twenty-nine

Fred L. Bloodgood Clerk.

CRMC-Motley1000-Subj-003305

New Jersey Supreme Court
SOMERSET COUNTY.

Helen Zackwieja, by her next friend, her mother, Mary Zackwieja,

Plaintiff,

vs.

Johns-Manville Corp., a corporation of the State of New York,

Defendant.

COPY OF PROCEEDINGS

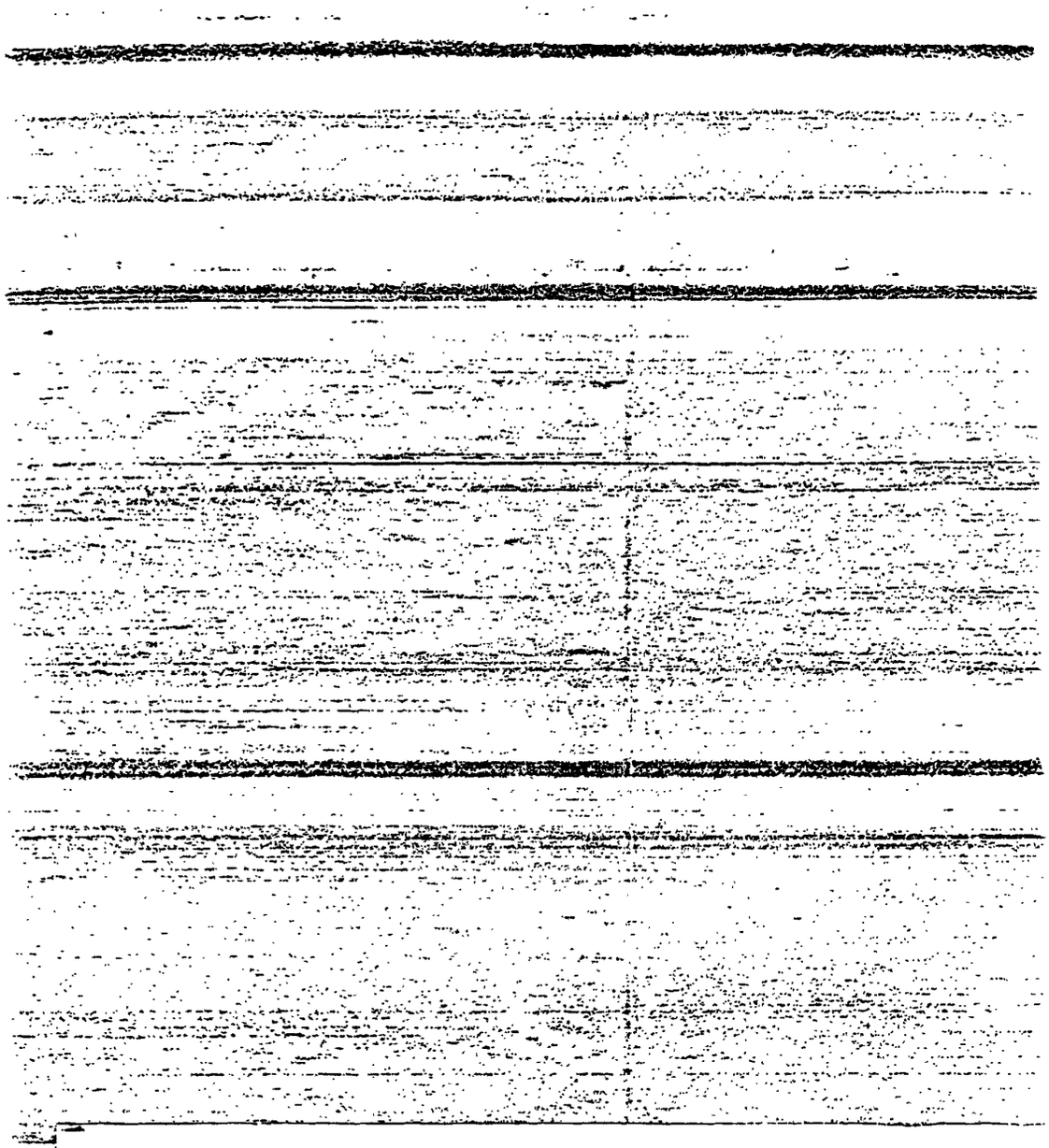
Samuel Greenstone,
Attorney for Plaintiff.

FILED
AUG 4 1929
GEORGE I. CRANMER, Clerk.

CLERK'S OFFICE, TRENTON

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GENERAL SERVICES ADMINISTRATION
National Archives and Records Service

To all to whom these presents shall come, Greeting:

By virtue of the authority vested in me by the Administrator of General Services, I certify on his behalf, under the seal of the National Archives of the United States, that the attached reproduction(s) is a true and correct copy of documents in his custody.

(seal)

SIGNATURE: Anthony F. Frederici

NAME: Anthony F. Frederici

DATE: 11/3/81

TITLE: Archivist, Archives Branch

NAME AND ADDRESS OF DEPOSITORY:
Federal Archives and Records Center
Building 22 - MOT - Bayonne
Bayonne, N.J. 07002

CRMC-Motley1000-Subj-003307

HELEN ZACKWIEJZ, by next friend,
her mother, MARY ZACKWIEJZ,

Plaintiff,

-vs-

JOHNS-MANVILLE CORPORATION, a
Corporation of the State of
New York,

Defendant.

Action at Law

A N S W E R

Hobart & Minard,
Attys. for Deft.,
24 Branford Pl.,
Newark, N.J.

FILED

SEP 13 1929

A1 9 O' LO[illegible] A. M.

GEORGE I. [illegible], Clerk.

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

HELEN ZACKWIEJZ, by next friend, her mother, MARY ZACKWIEJZ,

Plaintiff,

-vs-

JOHNS-MANVILLE CORPORATION, a Corporation of the State of New York,

Defendant.

Action at Law

A N S W E R

The defendant, JOHNS-MANVILLE CORPORATION, a corporation of the State of New York, having its principal office in New Jersey, at Manville, Somerset County, says that:

FIRST DEFENSE

1. It denies paragraph 1, except that it says that the plaintiff was in its employ at its plant in Manville, N. J., from December 28, 1926, to the month of May, 1929.

2. It denies paragraph 2, except that it says that it was and has been engaged in the manufacture of asbestos products for commercial purposes from December 28,1926, to the present time.

3. It denies paragraph 3, except that it says that it employed the plaintiff from December 28,1926, to the month of May, 1929.

4. It denies paragraphs 4, 5, 6, and 7.

SECOND DEFENSE

The injury and the disease alleged in the complaint were due to one of the risks of her employment assumed by the plaintiff as part of the terms of her contract of employment.

THIRD DEFENSE

The injury and the disease alleged in the complaint were due to one of the risks of her employment assumed by

CRMC-Motley1000-Subj-003309

the plaintiff as part of the terms of her contract of employment in that the plaintiff knew, or by the exercise of reasonable care on her part should have known, the alleged dangers of her employment.

FOURTH DEFENSE

The injury and the disease alleged in the complaint were caused by contributory negligence on the part of the plaintiff.

FIFTH DEFENSE

The injury and the disease alleged in the complaint were caused by contributory negligence on the part of the plaintiff in that the plaintiff failed to exercise reasonable care to protect herself against the alleged dangers of her employment by using the mask and other appliances provided by the defendant for that purpose.

SIXTH DEFENSE

The injury and the disease alleged in the complaint were due to negligence on the part of a fellow-servant of the plaintiff, in failing to warn and instruct the plaintiff to use the mask and other appliances provided by the defendant for the purpose of protecting the plaintiff against the alleged dangers of her employment.

SEVENTH DEFENSE

Plaintiff's action is barred because it was not commenced and instituted within two years next after the alleged cause of action accrued.

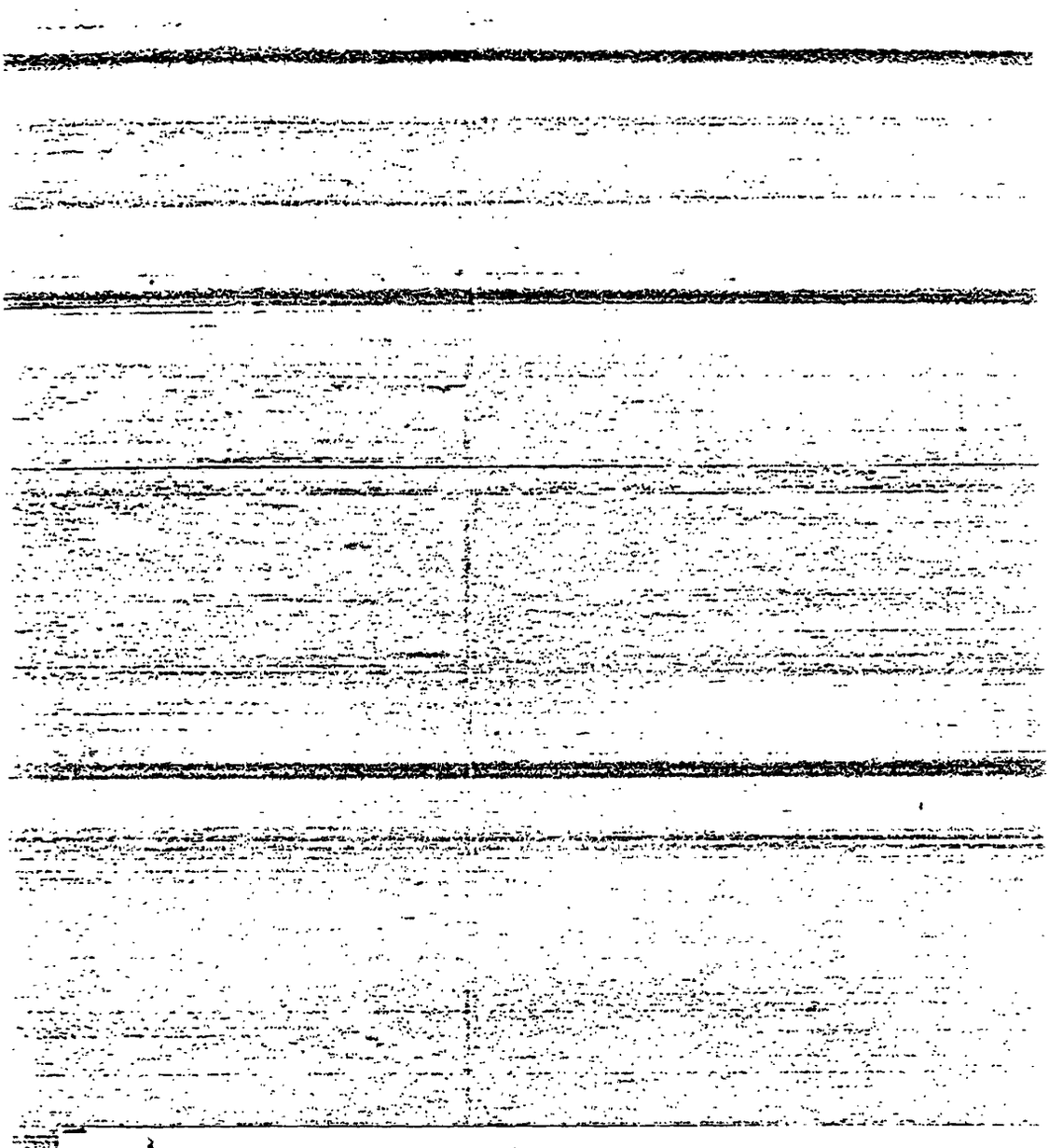
EIGHTH DEFENSE

Plaintiff's action is barred because it was not commenced and instituted within two years after the plaintiff's coming to or being of full age.

Holett & [illegible]

Attorneys for Defendant.

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National Archives and Records Service

To all to whom these presents shall come, Greeting:

By virtue of the authority vested in me by the Administrator of General Services, I certify on his behalf, under the seal of the National Archives of the United States, that the attached reproduction(s) is a true and correct copy of documents in his custody.

(seal)

SIGNATURE

NAME: Anthony J Fradenzi | DATE: 11/3/80

TITLE: Archivist, Archives Branch

NAME AND ADDRESS OF DEPOSITORY
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GSA

CRMC-Motley1000-Subj-003311

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

HELEN ZACKWIEJZ, by next friend, her mother, MARY ZACKWIEJZ,

Plaintiff,

-vs-

JOHNS-MANVILLE CORPORATION, a Corporation of the State of New York,

Defendant.

ACTION AT LAW

REPLY

Plaintiff, HELEN ZACKWIEJZ, by next friend, her mother, MARY ZACKWIEJZ, for reply to the Answer of the defendant, Johns-Manville Corporation says that:

She denies all the affirmative defenses as set forth in the Answer of the defendant.

Attorney for Plaintiff

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